

*De*  
**Corpore Politico.**  
OR THE *Hylas*  
**ELEMENTS**  
OF  
**LAW,**  
Moral & Politick.

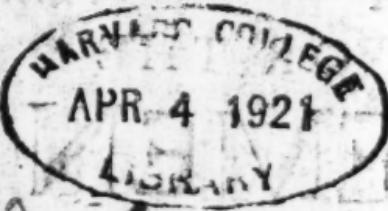
WITH  
Discourses upon severall  
Heads; as  
Of { *The Law of Nature.*  
*Oathes and Covenants.*  
*Several kinds of Government.*  
With the Changes and Revolutions  
of them.

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By *Tho. Hobbs of Malmbury.*

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*Martin,* at the Bell in St. Pauls  
Church-yard, 1652.



J. J. Lowell fund

To  
The Reader.

Reader,

**Y**OU may be pleased to take notice, That the first Part of the Work depends upon a former Treatise of Humane Nature written by Mr. Hobbs, and by a Friend of

*To the Reader.*

his committed to the Press  
for the benefit of Mankind. It was thought fit  
that nothing of so worth as  
an Author should be left  
unprinted, especially con-  
sidering, that this Piece is  
most usefull for the Society  
of reasonable Creatures,  
being the Grounds and  
Principles of Policy, without  
out which there would be  
nothing but Confusion over  
the World. I am confident  
if mens Minds were but  
truly fixt upon the Centr  
of this Discourse, the W  
wou

To the Reader.

should not prove such  
Weather-cocks, to be turn-  
ed about with the wind of  
every false Doctrine, and  
bad Opinion. We should  
then be free from those  
Disorders which threaten  
instruction to the Soul, and  
destruction to the Com-  
mon Wealth. But let  
writers write never so well,  
our practise doe not se-  
nond their instructions, we  
may bee wise enough to  
barese our misery, but ne-  
ter know how to prevent  
the What pitty is it, that such  
rare

*To the Reader.*

rare Conclusions as those  
are, should produce no o-  
ther effect, but to inform  
our Knowledg, and confu-  
our Conversation; while if  
we neglect the Truth th<sup>t</sup> pt  
is apprehended. Yet there  
is some hope, that such An-  
fervers, whose VVisdom  
hath received the stamp  
Goodnesse, will improove  
their skill to a reall Ad-  
vancement of thole ben-  
fits, which lye horded  
in this curious Cabinet,  
whose use and behoof, th<sup>t</sup>  
excellent notions are co-  
mend

*To the Reader.*

hended, as the best that  
ever were writ in this  
mud, and may serve for a  
generall Ground and Foun-  
dation to all regular Con-  
ceptions, that concern the  
essence and Existence of  
Man, the Government of  
Kingdoms and Common-  
wealths, and by conse-  
quence our eternall Salva-  
tion.

such that one who has  
nothing can't afford to buy  
a ticket, you know,  
and this is because the price  
of a ticket is so high.  
The situation is like this:  
to go to the bus station  
to buy a ticket, one has to  
spend a lot of money.  
This is why people don't  
want to buy tickets.

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# De Corpore Politico.

## CHAP. I.

2. Men by Nature Equall. 3. By vain glory indisposed to allow equality with themselves, to others. 4. Apt to provoke another by Comparisons. 5. Apt to incroach one upon another. 6. Right defined. 7. Right to the End, implyeth right to the Means. 8 Every Man his own Judge by Nature. 9. Every Mans strength and knowledge for his owne use. 10. Every Man by nature hath right to allthings. 11. Warr and Peace defined. 12. Men by nature in the state of Warr. 13. In Manifest Inequality, Might is Right. 14. Reason dictateth Peace..

 N a former Treatise of Humane uature already printed, hath beene set forth the whole nature of Man, consisting in the Powers naturall of his Body and Mind, and may all be comprehended in these four, Strength of Body, perinece, Reason, and Passion.

2. In this, it will be expedient to consider in what estate of security this our Nature hath placed us, and what probability it hath left us, of continuing and preserving ourselves against the violence of one another. And first, if we consider how little Difference there is of Strength or knowledge, between Men of Mature Age, and with how great facility he that is the weaker in strength, or in Wit, or in both, may utterly destroy him. Power of the stronger; since there needeth but little force to the taking away of a Man's life, we may conclude that men, considering in their Nature, ought to admit among themselves Equality; and that he that claimeth no more, may be esteemed Moderate.

3. On the other side, considering the great difference there is in Men, from the Diversity of their Passions, how some are vainly glorious, and hope for precedency, and superiority above their fellows, notwithstanding when they are equall in power, but especially when they are Inferior; we must needs have knowledge that it must necessarily follow, that those men who are moderate, and kind, for no more but Equality of nature, shall be obnoxious to the Force of others, that doth attempt to subdue them. And from hence shall proceed a generall diffidence in that kind, and mutuall fear one of another.

4. Farther, since Men by natural passion are divers wayes offensive one to another,

consider every man thinking well of himself, and having to see the same in others, they must it heeds provoke one another by Words, and other signes of contempt and hatred, which another incident to all comparison, till at last, Ood they must determine the preheminence by strength and force of Body.

gr. 5. Moreover, considering that many strengtheners Appetites carry them to one and the same end; which end sometimes can neither bee enjoyed in common, nor divided, it follows, that the stronger must enjoy it alone and that it be decided by Battell who is the stronger. And thus the Greatest part of Men, upon no assurance of Odds, do never cease through Vanity, or Comparison, or Appetite, provoke the Rest, that otherwise would be contented with Equality.

me. 6. And forasmuch as necessity of nature maketh men to will and desire Bonum *sibi*, not that which is good for themselves, and to avoid that which is hurtfull, but most of all, the terrible enemy of Nature, Death, from whom we expect both the losse of all Power, and also the greatest of bodily paines in the world: It is not against Reason, that a man should both all he can, to preserve his owne body and limbs, both from Death and Paine. And in that which is not against reason, men call it Right, or *Jus*, or Blamorelse liberty, of using our own naturall Power and Ability. It is therefore a right of nature, That every man

may preserve his owne life and limbs, without all the Power he kath.

7. And because where a man hath righte to the End, and the end cannot be attained, without the Meanes ; that is, without such things as are necessary to the End, it is consequent that it is not against Reason, an therefore right for a man to use all meanes, and doe whatsoever action is necessary for the preservation of his Body.

8. Also every man by right of Nature, char Judge himself of the necessity of the meane, and of the greatnessse of the Danger. For Man it be against reason, that I be Judge of my owne danger my Self, then it is reason, that another Man be Judge thercof. But the same Reason that maketh another man Judge of those Things that concern me, maketh me also Judge of that that concerneth him. And therefore I have reason to Judge of his sentence, whether it be for my benefit, or not.

9. As a mans Judgment in right of nature is to be employed for his own benefit, so all the Strength, Knowledg, and Art, of every man is then rightly employed, when he useth it for himselfe ; else must not a man have right to preserve himselfe.

10. Every man by Nature hath right all Things, that is to say, to do whatsoever he listeth to whom he listeth, to possesse, use, and enjoy all things he will and can. For seeing all things he willeth, must therefore be

Good unto him in his own judgment, because he willeth them, and may tend to his preservation some time or other, or he may rightly so, and we have made him Judge thereof, Sect. 8. it followeth, that all things may suelightly also be done by him. And for this cause it is rightly sayd, *Natura dedit omnia a omnibus*, that nature hath given all things to all men; insomuch that *Jus & uile*, Right and Profit, is the same thing. But that right of all men to all things, is in effect no better then if no man had Right to any thing. For there is little use and benefit of the Right a Man hath, when another as strong, or stronger then himselfe hath Right to the same.

II. Seeing then to the Offensivenesse of Mans nature one to another, there is added Right of every man to every thing, wherefore Any one man invadeth with right, and another man with Right resisteth, and men live thereby in perpetuall Diffidence, and study how to preoccupate each other: The estate of all men in this naturall Liberty, is the estate of Warr. For Warr is nothing else but that use of time wherein the Will and Contention of men contending by Force, is either by words or actions sufficiently declared; and the time which is not Warr, is Peace.

2. The estate of Hostility and War being such, as thereby nature it selfe is destroyed, and men kil one another: (as we know also that

that it is, both by the experience of Salvage  
Nations that live at this day, and by the Hi-  
stories of our Ancestors, the old Inhabitants  
of Germany, and other now civill Countries  
where we find the people few, and short-li-  
ved, and without the ornaments and com-  
forts of life, which by Peace and Society are  
usually invented and procured ) He there-  
fore that desirereth to live in such an estate  
is the estate of liberty and right of all to all  
contradicteth himselfe, For every man by  
natural necessity desirereth his own good,  
which this estate is contrary, wherin we sup-  
pose contention between men by nature  
equal, and able to destroy one another.

13. Seeing this Right of Protecting ou-  
selves by our own discretion and force pro-  
ceedeth from danger, and that danger from  
the Equality between mens Forces, much  
more reason is there, that a man prevent  
such Equality before the Danger cometh  
and before the necessity of Battell. A man  
therefore that hath another man in his pow-  
er to rule or govern, to do good to, or harm  
hath right, by the advantage of this his pre-  
sent power, to take Caution at his pleasure  
for his security against that other in time  
come. He therefore that hath already sub-  
dued his Adversary, or gotten into his power  
any other, that either by Infancy, or weak-  
nesse, is unable to resist him, by right of na-  
ture may take the best caution, that such In-

vage, or such feeble and subdued person can give him, of being ruled and governed by him for the time to come. For seeing we intend alwaies our one safety and preservatiōn, we manifestly contradict that our intention, if we willingly dismiss such a one, and suffer him at once to gather strength and be our Enemy. Out of which may also be collected, That irresistible Might in the state of Nature is Right.

14. But since it is supposed by the Equality of strength and other natural faculties of men, that no man is of might sufficient, to assure himselfe for any long time, of preserving himself therby, whiles he remaineth in the state of Hostility and War; Reason therefore dictateth to every man for his own good, to seek after Peace, as far forth as there is Hope to attain the same: and strengthen himselfe with all the help he can procure, for his own defence against those, from whom such Peace cannot be obtained: and to do all those things which necessarily conduce thereunto.

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## CHAP. II.

1. The Law of Nature consisteth not in consent of men, but reason. 2. That every man devests himself of the Right he hath to all things is one precept of nature. 3. What it is to relinquish

linquish and transferr ones Right. 4. The ag  
will to transfer, and the will to accept, both  
necessary to the passing away of Right. 5. Right can  
not transferred by words, De futuro, one arra  
6. Words De futuro, together with other  
signes of the will, may transferr Right. 7. Fr. his  
Gift defined 8. Contract, and the sorts law  
it. 9. Covenant defined. 10. Contract on,  
mutuall trust, is of no validity in the Estate  
of Hostility. 11. No Covenant of men be eas  
with one another. 12. Covenant how disso  
ved. 13. Covenant extorted by feare, in the  
Law of nature, valid. 14. Covenant con  
trary to former Covenant, void. 15. An oat  
defined. 16. Oath to be administred to every  
man in his own Religion. 17. Oath addende  
not to the Obligation. 18. Covenants bind  
but to endeavour.

**W**HAT it is we call the Law of Na  
ture, is not agreed upon by those  
that have hitherto written. For the most part  
such writers as have occasion to affirm, that  
any thing is against the law of Nature, do a  
ledge no more than this, That it is against  
the consent of all Nations, or the wisest an  
most civill Nations. But it is not agreed upon  
who shall judge which Nations are the  
Wisest. Others make that against the Law  
of Nature, which is contrary to the conse  
of all Mankind; which Definition cannot  
be allowed, because then no man could offend  
against the Law of Nature.

To against the Law of Nature; for the Nature of  
, b<sup>t</sup> every man is contained under the Nature of  
Right Mankind. But forasmuch as all men are  
one carried away by the violence of their Passi-  
on, and by evill customes, do these things  
which are commonly said to be against the  
Law of Nature; It is not the consent of Pas-  
sion, or consent in some Errour gotten by  
Custome, that makes the Law of Nature.  
Reason is no less of the nature of man then  
Passion, and is the same in all men, because  
all men agree in the Will to be directed and  
governed in the way to that which they de-  
sire to attain, namely, their own Good which  
ever, the work of Reason, there can therefore  
be no other Law of Nature then Reason, nor  
indeed no other Precepts of Natural Law, then those  
which declare unto us the wayes of Peace,  
where the same may be obtained, and of De-  
N<sup>c</sup> where it may not.

2. One Precept of the Law of Nature  
par herefore this is, *That every man deuest him-  
self of the right he hath to all things by Nature:*  
or when divers men having Right not on-  
aining to all things else, but to one anothers per-  
sons, if they use the same, there ariseth there-  
Invasion on the one part, and Resistance  
than the other, which is War, and therefore  
contrary to the Law of Nature, the Sum  
hereof consisteth in making Peace.

3. Wen a man deuesteth and putteth from  
is Right, he either simply relinquisheth it,

or transferreth the same to another man Right  
To Relinquish it, is by sufficient signs to declare, that it is his will no more to doe ther Action, which of right he might have done before. To Transferre Right to another, is at sufficient signs to declare to that other accepting thereof, that it is his Will not to resist, or hinder him, according to that Right he had thereto before he transferred it. But seeing that by Nature every man hath right to every thing, it is impossible for a man to transfer unto another any right that he had not before. And therefore all that a man doth in transferring of Right, is no more but a Declaring of the Will, to suffer him to whom he hath so transferred his Right to make benefit of the same, without more station. As for example, when a man giveth his Lands or Goods to another, he taketh from himself the Right to enter into, and make use of the said Lands or Goods, or otherwise to hinder him of the Use of what he hath given.

4. In transferring of Right, two things therefore are required, One on the part of him that transferreth, which is a sufficient signification of his will therein: The other on the part of him to whom it is transferred, which is a sufficient signification of his acceptance thereof. Either of these failing, the Right remaineth where it was: nor that it to be supposed, that he which giveth

Rig

man Right to one that accepteth it not, doth to d hereby simply relinquish it, and transfer it to whomsoever will receive it: in as much as it doth the cause of transferring the same to one, is rather then to another, is in the one, rather then in the rest.

5. When there appeare no other Signes Rig that a man hath relinquished, or transferred it. This Right, but only Words, it behoveth that rig the same be done in Words, that signifie the man present Time, or the time past, and not only the he Time to come. For he that saith of the Time to come (as for example) to morrow, will give, declareth evidently, that he hath yet given. The right therefore remaineth in him today, and so continues, till he have given actually. But he that saith, I give, presently, or have given to another a takeny thing, to have and enjoy the same to morrow, or any other time future, hath now or actually transferred the sayd Right, which whitherwise he should have had at the time that the other is to enjoy it.

6. But because words alone are not a sufficient Declaration of the mind, as hath been shewed, *Chap. 13. Sect. 8.* Words spoken, De *Futuro*, when the Will of him that speaketh them may be gathered by other Signs, may be taken very often, as if they were meant *De Presenti*. For when it appeareth, that he that giveth, would have his words so understood by him to whom he giveth, as if he did actually

actually transferreth his Right, then he must then needs be understood to will all that is necessary to the same.

7. When a man transferreth any right or benefit, Histo another, without consideration of reciproc al benefit past, present, or to come, this is called *Free Gift*. And in Free Gift, n o other words can be binding, but those which are *De Præsentis*, or *De Præterito*. For being *De Future* only, they transfer nothing, no 9. can they be understood, as if they proceeded from the will of the Giver; because being *Free Gift*, it carryeth with it no Obligation greater than that which is inforced by the Words. For he that promiseth to give, without any other consideration but his own affi fection, so long as he hath not given, deliberateth still, according as the causes of the Affections continue, or diminish: And he that deliberateth, hath not yet willed, because the will is the last Act of his delibera tion. He that promiseth therefore, is no thereby a *Donor*, but *Dozen*; which name was given to that *Antiochus*, that promised often, but seldom gave.

8. When a man transferreth his Right upon consideration of reciprocal benefit, this is not *Free Gift*, but mutual *Donation*; and it is called *Contract*. And in all Contracts, either both Parties presently perform, and put each other into a certainty and assurance of enjoying what they contract for. As when an

men buy or sell, or barter : Or one Party performeth presently, and the other promiseth, as when one calleth upon Trust : Or else neither Party performeth presently, but of trust one another. And it is impossible ther<sup>e</sup> should be any kind of Contract besides these three. For either both the Contractors trust, or neither, or else one trusteth, and the other not.

9. In all Contracts where there is trust, the promise of him that is trusted, is called Covenant. And this though it be a promise, made of the time to come, yet doth it transfer the Right, when that time cometh, no lesse with an actuall Donation. For it is a manifest signe, that he which did perform, understood it was the Will of him that was trusted, to performe also. Promises therefore, made upon consideration of reciprocal benefit, are covenants and signes of the will, or last A<sup>c</sup>bera Deliberation, whereby the liberty of persons performing, or not performing, is taken away, and consequently are obligatory. For where liberty caseth, there beginneth Obligation.

10. Nevertheless, in Contracts that consist, of such mutual trust, as that nothing being done, either Party performed for the present, then the Contract is between such as are not compellable, he that performeth first, considering the disposition of men to take what vantage of every thing for their benefit, doth

doth but betray himself thereby to the Crim  
vetoynesse or other Fassion of Him wi  
whom he contracteth. And therefore su  
**Covenants** are of none effect. For there  
no reason why the one shoulde performe si  
if the other be likely not to performe aft  
ward. And whether he be likely or not,  
that doubteth shall be Judge himself, as ha  
been sayd, *Chap. 1. Sect. 8.* as long as th  
remaine in the Estate and Liberty of N  
ture. But when there shall be such Pow  
Coercive over both the Parties, as shall  
prive them of their private Judgements  
this point, then may such Covenants be  
fectuall, seeing he that performeth first ha  
ve no reasonable cause to doubt of the  
performance of the other, that may be co  
pelled thereunto.

II. And forasmuch as in all Covenan  
and Contracts, and Donations, the Acce  
ptance of him to whom the Right is trans  
ferred, is necessary to the Essence of those Co  
venants, Donations, &c. It is impossible  
make a Covenant or Donation to any, t  
by nature, or absence, are unable; or if a  
do not actually declare their acceptation  
the same. First of all therefore, it is  
possible for any man to make a Coven  
with God Almighty, farther then it hath  
sed him to declare who shall receive and  
cept of the said Covenant in his name. A  
it is impossible to make Covenant with t  
liv

Living Creatures, of whose wils we have no sufficient signe, for want of common language.

12. A Covenant to do any action at a certaine time and place, is then dissolved by the Covenantor, when that time cometh, either by the Performance, or by the Violation. For a Covenant is void that is once impossible. But a Covenant not to do without some limited, which is as much as to say, a Covenant never to do, is dissolved by the Covenantor then only, when he violateth it dyeth. And generally, all Covenants are dischargeable by the Covenantee, to whose benefit, and by whose right, he that maketh the Covenant is obliged. This Right therefore of the Covenantee relinquished, is a release of the Covenant. And universally, for the same reason, all Obligations are determinable at the will of the Obliger.

13. It is a Question often moved, Whether such Covenants oblige, as are extorted from men by Fear. As for example, Whether if a man for feare of Death, hath promised to give a Theef an hundred pounds the next day, and not discover him, whether such Covenant be obligatory, or not. And even though in some Cases such Covenant may be void, yet it is not therefore void, because extorted by Fear. For there appeareth no reason, why that which we do upon Fear, should be lesse firme then that which we do for

for Covetousnesse. For both the One and the Other maketh the Action Voluntarie. And if no Covenant should be good, then proceedeth freni feare of Death, no condic<sup>tions</sup> of Peace betweene Enemies, nor any Laws, could be of Force, which are all consented to from that Fear. For who would lose the liberty that nature hath given him, of governing himselfe by his own will and power, if they feared not Death in the Oath<sup>ing</sup> of it? What Prisoner in War might be trusted to seek his Ransome, and ought not rather to be killed, if he were not ty<sup>n</sup>aut by the Grant of his life, to perform his promise? But after the Introduction of Politie and Laws, the case may alter, for if by the Law the performance of such a Covenant be forbidden, then he that promiseth any thing to a Theif, not only may, but must refuse to perform it. But if the Law forbid not the performance, but leave it to the will of the Promiser, then is the performance still lawfull; and the Covenant of things lawfull obligatory, even towards a Theif.

14. He that giveth, promiseth, or covenanteth to one, and after giveth, promises or covenanteth the same to another, maketh void the later Act. For it is impossible for a man to transfer that Right which he himselfe hath not; and that Right he hath neither which he himselfe hath before transferred; they

15. An Oath is a clause annexed to a P

e amise, containing a Renuntiation of Gods  
ntarycye by him that promileth, in case he per-  
, them not as far as is lawfull and possible for  
condm to doe. And this appeareth by the  
or awrds which make the Eſſence of the Oath,  
I co helpe me God. So also was it amongst the  
wou rathen. And the forme of the Romans  
n his, Thou Jupiter kill him that breaketh, as I  
ll and this Beast. The Intention therefore of  
he m Oath being to provoke Vengeance upon  
mig Breakers of Covenant; it is to no purpose  
oug sweare by Men, be they never so great,  
t ty cause their punishment by divers Acci-  
s Prnts may be avoided, whether they will or  
Polis but Gods Punishment not. Though it  
by t e a Custome of many Nations, to sweare  
and the life of their Princes ; yet those Prin-  
thi being ambitious of Divine Honour, give  
use ficient Testimony, that they beleaved,  
ot t hing ought to be sworne by, but the  
of tity.

ll la 6. And seeing men cannot be afraid of  
full Power they beleeve not, and an Oath is  
o purpose, without fear of him they swear  
co it is necessary that he that sweareth, doe  
aise that forme which himself admitteth in  
ake owne Religion , and not in that forme  
lc ch he useth, that putteth him to the oath.  
e hi though all men may know by nature,  
h n there is an Almighty Power, neverthe-  
red they beleieve not, that they sweare by  
a P in any other form or name, then what  
mi their

their own ( which they think the true ) Religion teacheth them.

17. And by the definition of an Oath, appeareth, that it addeth not a greater obligation to perform the Covenant sworn, then the Covenant carryeth in it self, but putteth a man into greater danger, and greater punishment.

18 Covenants and Oaths are *De Voluntariis*, that is, *De Possibilitus*. Nor can the venantee understand the Covenantor promise *Impossibles*; for they fall not under Deliberation: and consequently (by Ch. 13. Sect. 12: which maketh the Covenant be Interpreter) no Covenant is understood further, then to our best endervous either in performance of the thing propounded, or in something Equivalent.

### CHAP. III.

1. That men stand to their Covenant. 2. The Jury defined. 3. That Injury is done to another to the Covenantee. 4. The significations of these Names, *Just.* *Unjust.* 5. Justice, rightly divided into Commutative, and Distributive. 6. It is a Law of Nature, that He that is trusted, may not that trust to his damage. 7. Ingratitude defined. 8. It is a Law of Nature, to endeavour to accommodate one another. 9. Out

that man forgive upon caution for the future.  
10. And that revenge ought to respect the  
future onely. 11. That reproach and contempt  
declared, is against the Law of Nature. 12.  
That Indifference of Commerce is of the law  
of nature. 13. That Messengers imp'oyed to  
procure or maintaine Peace, ought to be safe  
by the Law of Nature.

Vol.

he is a common laying, that nature maketh  
nothing in vain. And it is most certaine,  
as the truth of a conclusion, is no more  
the truth of the premises that make it,  
namely the force of the Command, or Law of  
nature, is no more then the Force of the  
persons inducing thereunto. Therefore the  
Law of Nature mentioned in the former  
apter, Sect. 2. namely, That every man  
ould devest himself of the Right, &c. were ut-  
y vaine, and of none effect, if this also  
e not a Law of the same Nature, That  
y man is obliged to stand to, and perform,

2. The Covenants he maketh. For what benefic-  
e to a man that any thing be promised, or  
auen unto him, if he that giveth, or promis-  
tice, performeth not, or retaineth still the  
right of taking back what he hath given?

The breach or violation of Covenant,  
at which men call Injury, consisting in  
Action or Omission, which is therefore  
unjust. For it is Action or Omission  
out Jus, or right, which was transferred

or

or relinquish before. There is a great Ap-  
militude between that we call *Injury*, or the  
*Injustice* in the Actions and Conversations he  
Men in the World, and that which is ca  
Absurd in the arguments and Disputation  
of the Schools. For as he which is dr  
to contradict an Assertion by Him be  
maintained, is sayd to be reduced to an  
surdity ; so he that through passion doth  
omitteth that which before by Covenan  
promised to doe, or not to omit, is sayd to  
commit Injustice : And there is in e  
breach of Covenant a contradiction Acti  
perly so called. For he that covenanteth  
will eth to do, or omit, in the time to come.  
And he that doth any Action, will eth to do  
that present, which is part of the future Acti  
contained in the Covenant. And there is t  
he that violateth a Covenant, will eth to do  
Doing and the not doing of the same thing  
at the same time, which is a plaine contradic  
dition. And so *Injury* is an *Absurdity* of Con  
versation, as *Absurdity* is a kind of *Inju* Ju  
in Disputation.

3. In all violation of Covenant (to w  
socver accueth the Damage ) the Inju  
done onely to him to whom the Cover  
was made. For example, If a man cov  
enant to obey his Master, and the Ma  
command him to give Money to a Th  
which he promiseth to doe, and doth ad  
though this be to the Damage of the th  
wile

or the Iniury is done to the Master onely: on he could violate no covenant with him can whom none was made, and therefore tati him no Iniury. For Iniury consisteth drioilation of covenant, by the definition be cof.

The Name of *Just*, *uniust*, *Justice*, *In-  
justice*; are Equivocall, and signifie diversly.  
man Justice and Injustice, when they be attri-  
sayd to Actions, signifie the same thing  
No Iniury, and *Iniury*, and denominate  
Action *Just*, or *uniust*, but not the Man  
For they denominate him *Guilty* or *Not  
to cory*. But when Justice or Injustice, are  
attributed to Men, they signifie *Pronenesse*,  
*Affection*, and *Inclination* of Naturc,  
heris to say, Passions of the minde, apt to  
elthence Just and uniust Actions. So that  
a man is sayd to be *Just*, or *Uniust*; not  
comction, but the Passion and Aptitude, to  
of ch Actions, is considered. And there-  
niu Just man may have committed an un-  
st; and an uniust man may have done  
ow, not only one, but most of his actions.  
niu There ts an *Oderunt peccare* in the uniust  
overll as in the Just, but from different  
n ces. For the uniust man who abstaineth  
Ma Injuries for fear of punishment, decla-  
Th plainly, that the Justice of his Actions  
th edeth upon Civill Constitution, from  
ce punishments proceed, which would  
wise in the Estate of Nature be uniust,  
according

according to the Fountaine from whence they spring. This distinction therefore between *Justice* and *Injustice*, ought to be remembred; that when Injustice is taken for Guilty, the Action is uniusc, but not therefore the iust; and when Justice is taken for Guiltless, the Actions are iust, and yet not alwayes of Man. Likewise when Justice and Injustice are taken for habits of the mind, the man may be iust, or uniusc, and yet not alwayes Actions so.

5. Concerning the Justice of Actions, the same is usually divided into two kinds, which men call the one *Commutative*, and the other *Distributive*; and are sayd to consist in the one in proportion Arithmetical, the other in Geometrical: And *Commutative* Junot they place in Permutation, as Buying and Selling, and Barter; *Distributive*, in giving every man according to their deserts. We may distinguish this distinction is not well made, in as much as there is no Injustice, which is the Injustice of Action, or consisteth not in the Inequality of the thing changed, or distributed, but in the Injustice of men (contrary to nature and reason) assume unto themselves above their Fellowes. Of which Inequality, shall more be spoken hereafter. And for *Commutative* Justice placed in Buying and Selling, they take the thing bought be unequall to the sum given for it; yet for as much as both the Buyer and the Seller are made Judges, and

n whē, and are thereby both satisfied, there  
fore be no Injury done on either side, nei-  
ther Party having trusted, or covenanted  
with the other. And for *Distributive Justice*,  
the which consisteth in the Distribution of our  
lesne benefits, seeing a thing is therefore said  
to be our own, because we may dispose of it  
in our own pleasure, it can be no Injury to  
the man, though our liberality be farther  
extended towards another, than towards  
ourselves; unless we be thereto obliged by Co-  
ntract: and then the Injustice consisteth in  
the breaking of that Covenant, and not in  
an Inequality of Distribution.

It happeneth many times, that man  
trusteth, or contributeth to the Power  
of another, without any Covenant, but  
only upon confidence and trust of obtain-  
ing the grace and favor of that other, where-  
as he may procure a greater, or no lesse be-  
nefit, and assistance to himselfe. For by ne-  
cessity of Nature, every man doth in all his  
contary Actions intend some good unto  
himself. In this Case it is a Law of nature,  
that no man suffer him, that thus trusteth to  
have charity, or good affection towards him, to be  
the worse Estate for his trusting. For if he  
do so, men will not dare to confer mu-  
tualy to each others defence, nor put them-  
selves into each others mercy, upon any  
boones whatsoever, but rather abide the ut-  
most and worst even of Hostility, by which  
generall

general diffidence, men will not only be forced to Warr, but also afraid to come much within the danger of one another, to make any Overture of Peace. But it is to be understood of those onely, that covet their benefits ( as I have sayd ) upon onely, and not for tryumph or ostentation. For as when they do it upon trust, theit they aimed at, namely to be well used, is their Reward; so also when they do it for Ouse tation, they have the Reward in themselves.

2. But seeing in this Case there passeth no Covenant, the breach of this Law of nature is not to be called *Injury*. It hath another Name, to wit, *Ingratitude*.

3. It is also a Law of Nature. That man do help and endeavor to accommodate give other as far as may be, without danger of all Persons; and loose of their Means, to mainte and defend themselves. For seeing the causes of Warr and Desolation proceed from those Passions, by which we strive to accomodate our selves, and to leave others as far as we can behind us, it followeth, that neare Passion by which we strive mutually to accomodate each other, must be the cause of Peace. And this Passion is that Charity, or fined, Chap. 9. Sect. 17.

9. And in this Precept of Nature, is included and comprehended also this, that man forgive and pardon him that hath done

y before, upon his repentance and caution for the  
comitture. For Pardon, is Peace granted to him  
therat (having provoked to War) demandeth  
it tht It is not therefore Charity, but Feare,  
that comen a man giveth Peace to him that re-  
penteth not, nor giveth caution for main-  
taining thereof in the time to come. For he  
that repente not, remaineth with the af-  
fession of an Enemy ; as also doth he that  
r Ouseth to give caution, and consequently,  
thoreshumed not to seek after Peace, but ad-  
vantage. And therefore to forgive Him is  
assett commanded in this Law of nature, nor  
of na Charity, but may sometime be prudence.  
an otherwise, not to pardon upon repentance.

caution , considering men cannot ab-  
stain from provoking one another, is never  
to give Peace. And that is against the ge-  
neral definition of the Law of Nature.  
main to. And seeing the Law of Nature com-  
mandeth Pardon, when there is repentance  
and caution for the Future , it followeth,  
to act the same Law ordaineth , That no Re-  
venge be taken upon the consideration only of the  
thacie past, but of the benefit to come, that is  
all day, That all Revenge ought to tend to  
the punishment , either of the Person offend-  
ing, or of others, by the example of his pun-  
ishment ; which is sufficiently apparent, in  
the Law of Nature commandeth Par-  
his, where the future time is secured. The  
b dñe is also apparent by this, That revenge

when it considereth the offence past, is nothing else, but present Triumph and Glory, and directeth to no End : and what is directed to no end, is therefore unprofitable, and consequently the Triumph of Revenge is Vain-Glory : And whatsoever is vain-glory against Reason ; and to hurt one another without Reason, is contrary to that, whereby by supposition is every mans Benefit, namely Peace, and what is contrary to peace, is contrary to the Law of Nature.

I. And because all signs which we shew to one another of Hatred and Contumelie, provoke in the highest degree to Quarrell and Battel, (in as much as Life it self, the condition of enduring scorn, is not equal Minded worth the enjoying, much less Pealed, it must necessarily be implied as a Law of Nature, That no man reproach, revile, deride, or any otherwise declare his Hatred, Contumelie, or Disesteem of any other. But this Law is but very little practised. For what is more ordinary then reproaches of those that are rich towards them that are not ? or of those that in place of Judicature, towards those that accused at the Bar? although to grieve in that manner, be no part of the punishment for their Crime, nor contained in their fice. But use hath prevailed, That was lawful in the Lord towards the Servants whom he maintaineth, is also practised lawful in the more Mighty towards the th

is though they contribute nothing towards  
Glorie or maintenance.

It is 12. It is also a Law of Nature, That one  
citoyen allow Commerce and Traffick indifferently  
vpon one another. For he that alloweth that to  
vaine man, which he denyeth to another, de-  
nonceth his hatred to Him, to whom he de-  
whereth. And to declare Hatred, is Warr.  
And upon this title was grounded, the great  
peace War between the Athenians, and the Pe-  
lo-  
nnians. For would the Athenians have  
descended to suffer the Megareans, their  
neighbours, to traffick in their Ports, and  
markets, that War had not begun.

It is 13. And this also is a Law of Nature, That  
evil Messengers of Peace, and such as are im-  
ployed to procure and maintaine Amity between  
Land and Man, may safely come and goe. For  
desiring Peace is the general Law of Nature,  
and meanes thereto (such as are these men)  
is just in the same Law be comprehended.

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## CHAP. IV.

A Law of Nature, that every man acknow-  
ledge other for his Equal. 2. Another.  
That men allow aequalia & qualibus.  
3. Another, that those things which cannot  
be divided, be used in common. 4. Ano-  
ther, That things indivisible and incommu-  
nicable, be divided by Lot. 5. Natural Lot,  
Primogeniture, and first possession. 6. That

men submit to arbitration. 7. Of an Arbitrator. 8. That no man presse his counsillo upon any man against his will. 9. How he know suddenly what is the Law of Nature. 10. That the Law of Nature taketh place after security from others to observe the same. 11. The Right of Nature not to be taken away by Custome, nor the Law of Nature abrogated by any Act. 12. Why the Dictates of Nature are called Laws. 13. Whatsoever is against Conscience in any man that is his owne Judge, is against the Law of Nature. 14. Of Malum Pœnale. Malum Culpæ; Virtue and Viciosity. 15. Aptitude to society, fulfilleth the Law of Nature.

**T**HE Question which is the Better man for Government and Policy, though it be not im-  
staken for a Question of Nature, not one easie by Ignorant men, that thinke One man  
Blood better then Another by Nature, baine also by Him, whose Opinions are at this daunger and in these parts, of greater authority then any other humane writings. For he putteth so much difference between the Powers of men by Nature, that he doubteth not to have it down as the ground of all his Politick, That some men are by Nature worthy to govern, and Others by Nature ought to seruans. Which Foundation hath not only weaknesse,

Arb the whole Frame of his Politicks, but hath  
own also given men Colour and Pretences,  
ow whereby to disturb and hinder the Peace of  
atme another. For though there were such  
pla Difference of Nature, that Master and  
ve servant were not by consent of men, but by  
to inherent Virtue, yet who hath that Emi-  
of Nency of Virtue above others and who is so  
y stupid, as not to govern himself, shall never  
e agreed upon amongst men, who do eve-  
in one naturally think himself, as able, at the  
it least to govern another, as another to go-  
cern him. And when there was any con-  
vention between the Finer and the Courser  
La Vits, (as there hath been often in Times of  
edition and Civill War) for the most part,  
these latter carried away the Victory; and  
mass long as men arrogate to themselves more  
ate honour then they give to others, it cannot  
e me imagined, how they can possibly live in  
one eace: and consequently we are to sup-  
manose, that for Peace sake, Nature hath or-  
, bained this Law, That every man acknowledg  
s daughter for his Equall. And the Breach of this  
the law, is that we call *Pride*.

utto 2. As it was necessary that a man should  
not retain his Right to every thing, so also  
to as it, that he should retain his right to some  
Things; to his own Body (for example) the  
ight of Defending, whereof he could not  
transfer; To the Use of Fire, water, Free  
kmire, and Place to live in, and to all things  
necessary

necessary for Life. Nor doth the Law of Nature command any devesting of other Rights, then of those only which cannot be retained without the losse of Peace. Seemeth then many Rights are retained, when we enter into peace one with another, Reason and the Law of Nature dictate, *Whatsoever Right any man requireth to retain, he alloweth every other man to retain the same.* For he that doth not so, alloweth not the Equality mentioned in the former Section. For there is no acknowledgement of Worth, without a distribution of the Equality of Benefit and Respect. And this allowance of *equalia aequalibus*, is the same thing with the allowing of *Proportionalia Proportionalibus*. For when man alloweth to every man a like, the allowance he maketh, will be in the same proportion, in which are the Numbers of men whom they are made. And this is it meant by *distributive Justice*, and is properly termed *Equality*. The Breach of this Law is that which the Greeks call *πλεονεξία*, which is commonly rendered *overeousness*, but seemeth to be more precisely expressed by the word *Incroaching*.

3. If there passe no other Covenant, the Law of Nature is, *That such things as cannot be divided, be used in common, proportionably to the numbers of them that are to use the same, without Limitation, when the Quantitie thereof sufficeth.* For first supposing the thing to

aw used in common, nor sufficient for them, other are to use it without Limitation, if a few not shall make more use thereof than the rest, Secundum at equality is not observed, which is required in the second Section. And this is to be understood, as all the rest of the Laws of Nature, without any other Covenant antecedent: for a man may have given away his Right of Common, and so the case be altered.

4. In those things which neither can be provided, nor used in common, the Rule of Nature must needs be one of these, *Lot*, or *Alternate use*: for besides these two wayes, there can no other equality be imagined; and for alternate use, he that beginneth, hath the advantage; and to redice that advantage to Equality, there is no other way but *Lot*. In things therefore indivisible and communicable, it is the Law of Nature, that the use be alternate, or the Advantage given away by *Lot*; because there is no other way of Equality. And Equality is the Law of Nature.

5. There be two sorts of Lots; One Arbitrary, made by men, and commonly showne by the Names of *Lot*, *Chance*, *Hazard*, and the like; and there is *Natural Lot*, such as is *Primogeniture*, which is no more but the Chance, or *Lot*, of being first born, which seemeth they considered, that call Inheritance by the name of *Kleronomia*, which signifieth

nifieth Distribution by Lot. Secondly, Prior  
occupatio, first seizing, or finding of a thing  
whereof no man made use before, which in  
the most part also is meerly Chance.

6. Although men agree upon these Laws of Nature, and endeavour to observe them, all the same; yet considering the Passions of mankind that make it difficult to understand by what means Actions, and circumstances of Actions, the present Laws are broken, there must needs arise many great controversies about the Interpretation thereof, by which the peace must necessarily be dissolved, and men return again to their former estate of hostility. For the taking away of which Controversies, it is necessary there should be some common Arbitrator and Judge Eminent to whose sentence, both the Parties to the Controversies ought to stand. And theretofore it is a Law of Nature, That in every Controversie, the Parties thereto ought mutually to agree upon an Arbitrator, whom they both trust, and mutually to covenant to stand to his Sentence he shall give thereto. For where every man is his own Judge, there properly no Judge at all; as where every man carveth out his own right, it hath the same effect, as if there were no right at all: and where is no Judge, there is no End of Controversies. And therefore the Right of Hostility remaineth.

7. An Arbitrator therefore, or he that is to be Judge, is trusted by the Parties to any controversy

Controversie, to determine the same by the Declaration of his own Judgement therein. Out whereof which followeth first, that the Judge ought not to be concerned in the Controversie he endeth; for in that case he is a Party to it, and ought by the same Reason to bee swayed by another. Secondly, that he may without no Covenant with either of the Parties, there pronounce sentence for the One, more seemen for the Other. Nor doth he covenant therewith much, as that his sentence shall be just; neither that were to make the Parties Judges of that Sentence, whereby the Controversie would remaine still undecided. Nevertheless for the Trust reposed in him, and for the Equality which the law of nature requireth him to consider in the Parties, he violateth that Law, if for favour, or hatred to either party, he give other sentence then he thinketh Right. And thirdly, that no man may booke to make himselfe Judge in any Controversie between others, unless they consent thereto.

8. It is also the Law of Nature, That no man obtrude or praese his Advice or Counsell to another man, that declarereth himselfe unwilling to receive the same. For seeing a man taketh his counsell concerning what is Good or Hurt by himselfe onely, and not of his Counsellor, and that Counsell is a Voluntary Action, and therefore tendeth also to the good of the counsellor, there may be often iust cause to suspect

suspect the Counsellor : and though there can be none , yet seeing Counsell unwilling the heard, is a needless offence to him that is not willing to hear it, and offences tend to the Breach of Peace, it is therefore against the Law of Nature to obtrude it.

9. A man that shall see these Lawes of Nature set down and inferred with so many words, and so much adoe, may think there is yet much more difficulty and subtlety required to acknowledge and do according to the said Laws in every sudden occasion else when a man hath but a little time to consider. And while we consider man in most passions so as of Anger, Ambition, Coveteousnes, Vain-Glorie, and the like, that tend to the exclusion of natural Equality, it is true. But with these Passions, there an easie rule to know upon a sudden, whether the Action I beant do, be against the Law of Nature, or no. And it is but this ; That a man imagine himself in the Place of the Party with whom he hath to do, and reciprocally him in His. Whene L is no more but a changing (as it were) of all Scales. For every mans Passion weight is heavy in his owne Scale, but in the Section of his Neighbour. And this Rule is very ad knowne and expressed in this Old Dicesters Quod tibi fieri non vis, alteri ne feceris.

10. These Lawes of Nature, the Substance whereof consisteth, in forbidding us to be our own Judges, and our own Carvers, though

them commanding us to accommodate one another; In case they should be observed by that one, and not by others, would make the Observers but a prey to them that should neglect them, leaving the good both without defence against the Wicked, and also with Lawes Charge to assist them: which is against the maine scope of the said Lawes, that are made: the only for the protection, and defence of them that keepe them. Reason therefore, bringind the Law of Nature over and above all these particular Lawes, doth dictate this law in general, *That those particular Lawes shall so far observed, as they subiect us not to any inconmodity, that in our owne Judgments may be made, by the neglect thereof in those towards whom we observe them;* and consequently it requireth no more, but the Desire and con-  
stant Intention to endeavour, and be ready to observe them, unlesse there be cause to the contrary in other mens refusall to observe them towards us. The Force therefore of this Law of Nature, is not in *foco externo*, of all there be security for men to obey it, sith it is alwaies *In foco interno*, wherein the Section of obedience being unsafe, the Will and Readiness to performe, is taken for the performance.

11. Amongst the Lawes of Nature, Customs and Prescriptions are not numbred. s to whatsoeuer Action is against Reason, ought be reiterated never so often, or that

that there be never so many Precedents thereof, is still against Reason, and therefore not a Law of Nature, but contrary to reason. But consent and Covenant may so alter the Law of Nature, which in the Law of Nature may be put by changing the Circumstances, that which was Reason before, may afterwards be against it; and yet is Reason still the Law. For though every man be bound to allow equally to another, yet if that wil, he shall see cause to renounce the same, and make himself inferior, then, if from thence forth he consider him as inferior, he breaketh not thereby that Law of Nature, which commandeth to allow Equality. In summe, A mans owne Consent may abridge him of his liberty which the Law of Nature leaveth him, but custome not; nor can either of them abrogate either these, or any other Law of Nature.

12. And forasmuch as Law (to speak properly) is a Command, and these Dictates, as they proceed from Nature, are not Commands, they are not therefore called Laws, but in respect of Nature, but in respect of their Author of Nature, God Almighty.

13. And seeing the Laws of Nature concern the Conscience, not he only breaketh them that doth any Action contrary, but also he whose action is conformable to them, in case he think it contrary. For though the Action chance to be right, yet in his Judgment he despiseth the Law,

14. Ev-

eden 14. Every man by naturall passion, calleth that Good which pleaseth him for the y to esent, or so far forth as he can foresee; tered in like manner, that which displeaseth naym, Evil. And therefore he that fore- , meth the whole way to his Proservation, ast his h is the End that every one by nature on smeth at,) must also call it good, and the bountrary evil. And this is that Good and that vil, which not every man in passion cal- me, th so, but all men by Reason. And there- hence the fulfilling of all these Laws is Good bre Reason, and the breaking of them Evill. , thad so also the habit, or disposition, or in- suition to fulfill them Good ; and the Neg- ofit of them Evill. And from hence com- b. bi that Distinction of *Malum Poen*, and em *Malum Culpa*, ; for *Malum Poen *is any pain aw molestation of the Mind whatsoever ; but *Malum Culpa *is that action which is contra- spea to Reason, and the Law of Nature: As al- etar the habit of doing according to these and Coder Laws of Nature, that tend to our pre- Luation, is that wee call *Virtue*, and the of thabit of doing the contrary, *Vice*. As for ample, Justice is that Habit by which we e cond to Covenants, Iniuistice the contrary ake; Equity that Habit by which we allow ut al quality of Nature, Atregancy the contrary m, i.e.; Gratitude the Habit whereby we re- h tate the Benefit and trust of others, Ingra- Judge the contrary Vice; Temperance the Evi Habit,************

Habit, by which wee abstain from all things  
that tend to our Destruction, Intemperance  
the contrary Vice ; Prudence the same  
Virtue in general. As for the common  
notion, that Virtue consisteth in Mediocrity  
and Vice in extremes, I see no ground  
for it, nor can find any such Mediocrity. Co  
Courage may be Virtue, when the Danger  
is Extream, if the Cause be Good ; & char  
extrem fear no Vice, when the danger  
Extream. To give a man more then Due,  
is no iniustice, though it be to give  
less : and in Gifts, it is not the sume that maketh liberality, but the reason. And thus  
in all other Virtues and Vices. I know not  
this Doctrine of Mediocrity is Aristotle's, & sat  
his Opinions concerning Virtue and Vice  
are no other then those which were received  
then, and are still by the generality of men to  
be unstudied, and therefore not very likely to  
be accurate.

15 . The Sum of Virtue is to be Sociable  
with them that will be Sociable, and Formi  
midable to them that will not. And the  
same is the Sum of the Law of Nature: . A  
in being Sociable, the Law of Nature taketh place  
place by the way of Peace and Societie ; ch  
to be Formidable, is the Law of Nature in  
War, where to be feared is a Protection in  
man hath from his own Power : and as the  
former consisteth in Actions of Equity and  
Justice, the latter consisteth in Actions of spe

l this honour. And Equity, Justice, and Honour,  
per sustain all virtues whatsoever.

## C H A P. V.

Confirmation out of holy Scripture of the  
Dame principall points mentioned in the two last  
Chapters concerning the Law of Nature.

The Lawes mentioned in the former  
Chapters, as they are called the Lawes  
of Nature, for that they are the Dictates of  
A natural Reason, and also Morall Lawes, be-  
cause they concern the Manners and Con-  
versatione of men, one towards another, so are they  
Divine Lawes in respect of the Author  
thereof, God Almighty; and ought there-  
fore to agree, or at least not to be Repug-  
nant to the Word of God, revealed in Holy  
Scripture. In this Chapter therefore, I  
will produce such places of Scripture, as  
appear to be most consonant to the said  
Lawes.

And first, the Word of God seemeth  
to take place the Divine Law in Reason, by all  
such Texts as ascribe the same to the Heart  
and understanding; as Psal. 40. 8. Thy Law  
is in my Heart: Heb. 8. 10. After those Dayes  
I will put my Lawes in their  
Hearts: And Heb. 10. 16. The same Psal. 37.  
speaking of the Righteous man he saith,

The

*The Law of God in his Heart, Psal. 19. 7.*  
*The Law of God is perfect, converting the*  
*It giveth wisdom to the simple, and light*  
*the eyes. Jer. 31. 33. I will put my Law*  
*their inward parts, and write it in their Head*  
*And Joh. 1. The Law-giver Himself, G*  
*Almighty, is called by the Name of*  
*which is also called, ver. 4. The Light of*  
*And vers. 9. The light which lighteth ev*  
*man which cometh into the world. All wh*  
*are Descriptions of Naturall Reason.*

3. And that the Law Divine, for so mu  
as is Morall, are those Precepts which te  
to Peace, seemeth to be much confirmed  
such places of Scripture, as these, Rom  
17. Righteousnesse which is the fufilling  
the Law ) is called, The way of Peace. A  
Psa. 85.10. Righteousnesß and Peace shall  
each other. And Matth. 5. 9. Blessed are  
Peacemakers. And Heb. 7. 2. Melchisedeck  
King of Salem , is interpreted King of Rig  
teousnes, and King of Peace. And ver.  
Our Saviour Christ is said to be, a Preist  
ever after the order of M. lchisedeck: Out  
which may be inferred, that the Doctrine  
our Saviour Christ annexeth the Fulfili  
of the Law to peace.

4. That the Law of Nature is unalterab  
is intimated by this, that the Preisthood  
Melchisedeck is everlasting; and by t  
Words of our Saviour , Matth. 5. 18. Hu  
ven and Earth, shall passe away, but one jo

part 7  
be fulfilled.

5. That Men ought to stand to their Com-  
munity, as it is taught, Psal. 15. Where the Queen  
on being asked, vers. 1. Lord, who shall  
dwell in thy Tabernacle, &c. It is answered,  
vers. 4. He that sweareth to his own hinder-  
part 8  
ce, and yet changeth not. And that men  
ought to be gratified, where no Covenant  
is made, Deut. 25. 4. Thou shalt not muzzle the  
ox that treadeth out the Corn, which S. Paul,  
Cor. 9. 9. interpreteth not of Oxen but of  
men.

6. That men content themselves with  
Equality, as it is the Foundation of Natural  
Law, so also is it of the second Table, of the  
divine Law, Matth. 22. 39. 40. Thou shalt  
love thy Neighbour as thy self. On these two  
parts depend the whole Law and the Prophets;  
which is not so to be understood, as that a  
Righteous man should study so much his Neighbours  
as his own, or that he should divide  
Goods amongst his Neighbours; but  
that he should esteem his Neighbour worthy  
of Rights and Privileges that himself en-  
richeth; and attribute unto him, whatsoever  
looketh should be attributed unto him:  
which is no more, but that he should be  
modest, meek, and content with Equali-

ty. And that in Distributing of Rights  
amongst Equalls, that Distribution is to be  
made

made according to the Proportions of Numbers, which is the giving of *equalibus, & proportionalia proportionalibus* we have, Numb. 26. 53. 54. the Commandement of God to Moses; *Thou shalt divide the land according to the Number of Names* *whereto many thou shalt give: more, to few thou shalt give lesse, to every one according to his Number.* That Decision by Lot is a Meane of Peace. Prov. 18. 18. *The lot causeth contentions to cease, and maketh Partition among Mighty.*

8. That the Accommodation and for the ness of one another, which have before put for Lawes of Nature, are also Lawes of Conscience, there is no Question. For they had the Essence of Charity, which is the Seed of the whole Law, that we ought not to first proach, or reprehend one another, is contained in the Doctrine of our Saviour, Matth. 7. 1. *Judge not that ye be not judged.* ver. 3. *W<sup>t</sup>hy gateth thou the Mote that is in thy Brothers eye, & seekest not the Beam that is in thine own eye?* Also the Law that forbiddeth us to presse the Councell upon others further then they merit, is a Divine Law. For after our Conscience and desire to rectifie one another is rejected, to presse it farther, is to reprehend him, & to condemn him, which is forbidden in the said last recited; as also Rom. 14. 12. *Everyonee judgemente us shall give account of himself to God.* It saith us not therefore judge one another any more, wh-

s of our Judgment rather in this, that no man  
equall occasion to fall, or a stumbling block be-  
nally his Brother.

man Farther, The Rule of men concern-  
ing the Law of Nature, *Quod tibi fieri non  
mes alteri ne feceris*, is confirmed by the like,  
Matth. 7. 12. Whatsoever therefore you would  
men do unto you, that do you unto them :  
Jesus is the Law and the Prophets. And  
com. 2. 1. In that thou judgest another, thou  
immunest thy self, &c.

It is also manifest by the Scriptures,  
for these Laws concern only the Tribu-  
ore of our Conscience ; and that the Acti-  
Law contrary to them, shall be no farther  
thened by God Almighty, then as they  
e S are freed from Negligence, or Contempt.  
not first that these Lawes are made to the  
, incience, appeareth, Matth. 5. 20. For I  
1. unto you, Except your Righteousnesse exceed  
Why ghteousnesse of the Scribes and Pharisees,  
ey all not enter into the Kingdome of Heaven.  
wn the Pharisees were the most exact a-  
ore the Jews in the external performance;  
hey therefore must want the sincerity of  
Chincience; else could not our Saviour  
eje required a greater Righteousnesse then  
m, s. For the same Reason our Saviour  
theit faith, The Publican departed from the  
ry o le iustified rather then the Pharisee. And  
od. It faith, his Yoke is easie, & his Burthen  
mons, which proceedeth from this, that  
Christ

Christ required no more then our best endeavour. And Rom. 14. 23. *He that doth render is condemned, if he eat.* And in innumerable places both in the Old and New Testament. God Almighty declareth, that he taketh his Will for the Deed, both in Good and Evil Actions. By all which it plainly appears to me that the Divine Law is dictated to the Conscience. One the other side is no less apparent that how many and hainous actions soever of man comitt through Infirmitie, he shall nevertheless, whensoever he shall condemn her same in his own Conscience, be freed affr. the punishments that to such actions otherwise belong. For at what time soever a man doth repent him of his sinnes from the bottom of his Heart, I will put all his Iniquities out of remembrance, saith the Lord.

11. Concerning Revenge which by the Law of Nature ought not to aym (as I have said, Chap. 3. Sect 10.) at present delivery but future profit, there is some difficulty made, as if the same accorded not with the Law Divine, by such as obiect the conuenience of punishment after the Day of Judgment, when there shall be no place, nor time for amendment nor for example. This obiect had been of some force, if such punishment had been ordained after all sinnes were past; but considering the punishment was instituted before sinne, it serveth the benefit of Mankinde, because it keepeth the

est peaceable and virtuous conversation by  
douterreour. And therefore such Revenge  
men directed to the Future only.

stan 2. Finally, There is no Law of Natural  
ken son that can be against the Law Divine:  
nd God Almighty hath given Reason to a  
ppon to be a Light unto him. And I hope it  
he Impiety to think, that God Almighty  
ss p require a strict Account thereof, at the  
soc of Judgment, as of the Instructions  
that we were to follow in our Peregrina-  
lcm here, notwithstanding the opposition  
eed affronts of supernaturalists now adayes,  
ns a nionall and morall Conversation.

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## CHAP. VI.

That men notwithstanding these Lawes,  
as like still in the State of war, till they have  
deliurty one against another. 2. The Law  
issi Nature in War, is nothing but Honour.

No Security without the Concord of  
contry. 4. That Concord of many cannot  
f Ju maintained without power to keep them  
ne in awe. 5. The cause why Concord re-  
This anctb in a multitude of some irrationall  
uch creatures, and not of men. 6. That Union is  
ll necessary for the maintaining of Concord.  
ish How Union is made. 8. Body politick  
this fued. 9. Corporation defined. 10. Sov-  
oethg Subject defined. 11. Two forsts of Bodies.

**I**N Chap. 12. Sect. 16. of the treatise of *Man Nature*, it hath been shewed that Opinions men have of the Rewards and Punishments which are to follow their Actions, are the Causes that make and govern the Will to those Actions. In this Estimate of man therefore, wherein all men are equal, and every man allowed to be his own Judge, the Fears they have one of another are equal, and every mans hopes consist in his own sleight and strength: & consequently when any man by his natural passion provoketh to break these Lawes of Nature, there is no security in any other mans own Defence but *Anticipation*. And for cause, every mans right (howsoever he be inclined to peace) of doing whatsoever seemeth good in his own eyes, remaineth with him still, as the necessary means of his Preservation. And therefore till there be security amongst men for the keeping of the Lawe of Nature one towards another, men are at war in the Estate of war, and nothing is unattempted to any man that tendeth to his own safety or Commodity: And this safety and commodity consisteth in the mutuall assistance Help of one another, whereby also removeth the mutuall Fear of one another.

2. It is a proverbial saying, *Inter omnia silent Leges*. There is little therefore safety ha-

whereof concerning the Lawes that men are to observe one towards another in Time of War, wherein every mans Being and Well-being is the rule of his Actions. Yet thus much the Law of Nature commandeth in their War, that men satiate not the cruelty of their present Passions, whereby in their own Conscience they foresee no benefit to come. In a War that betrayeth not a necessity, but a disposition of the mind to war, which is against the Law of Nature. And in old Time it is read, that Rapine was a Trade o' life, wherein nevertheless many of them that did it, did not only spare the lives of those they invaded, but left them also such things, were necessary to preserve that life which they had given them; as namely, their Oxen Instruments for Tillage, though they carried away all their other Cattel and substance. And as the Rapine it self was warred in the Law of Nature, by the want of security otherwise to maintain themselves, the exercise of cruelty was forbidden by the same Law of Nature, unless Fear suggested any thing to the contrary. For nothing but Fear can justify the taking away anothers life. And because Fear can hardly be made manifest, but by some Action dishonorable, that bewrayeth the Conscience of ones own Weaknes, all men, in whom the Passion of Courage or Magnanimity hath been Predominant, have abstained

ed from cruelty, insomuch, that though there  
be in War no Law, the breach wherof is  
iury, yet there are in War those Lawes  
breach whereof is dishonour. In one  
therefore, the only Law of Actions in War,  
*Honour*, and the Right of War, *Provid-*

3. And seeing Natural ayd is necessary  
for Defence, as mutual fear is necessary  
for Peace, wee are to consider how great  
are required for such Defence, and for  
causing of such mutual fear, as men may  
easily adventure on one another. And  
it is evident, that the mutual Ayd of two  
three men is of very little security. For  
odds on the other side, of a man or two  
veth sufficient encouragement to an affayre,  
And therfore before men have sufficient  
curity in the help of one another, their nu-  
ber must be so great, that the Odds of a  
which the enemy may have, be no certe-  
and sensible advantage.

4. And supposing how great a number  
soever of men assembled together for the  
mutual defence, yet shall not the effect be  
low, unless they all direct their Action  
one and the same End; which direction  
to one and the same End is that, Chap. 12. Sect. 7. is called *Consent*. This  
*consent* (or concord) amongst somany men, the  
it may be made by the fear of a present ad-  
vader, or by the hope of a present Con-  
quest, or Bootie, and endure as long as they

gh Union endureth, nevertheless, by the Diver-  
sity of Judgements and Passions in so many  
Wes, in contending naturally for honour and  
ne Vantage one above another; it is impossi-  
ble, not only that their consent to ayd each  
other against an enemy, but also that the  
neceſſary alliance should last between themselves, with-  
out some mutual and common fear to rule  
at All.

for. But contrary hereunto may be obieſt-  
may the experience we have of certain living  
And creatures irrational, that nevertheless con-  
ſiderably live in such good Order and Go-  
For ment for their common benefit, and are  
two free from Sedition & War amongst them-  
elves, that for Peace, Profit, and Defence,  
cienc thing more can be imaginable. And the  
ir n perience we have in this, is in that little  
of a creature the Bee, which is therefore reckon-  
cert amongſt *Animalia Politica*. Why there-  
e may not men that foreſee the Benefit of  
hum accord, continually maintain the same  
or without compulsion, as well as they? To  
ſet which I answer, That amongſt other living  
creatures, there is no Question of Prece-  
recedence in their owne Species, nor ſtrife about  
honour, or acknowledgement of one an-  
other's wiſdom, as there is amongſt Men,  
tho' whence arife Envie and Hatred of one  
towards another, and from thence Sedition  
or War. Secondly, those living Creatures  
are every one at Peace, and Food common  
ad

To them all, Men aim at Dominion, S  
lavery, and private wealth, which are di  
fficulties in every man, and breed Contention. Th  
irdly, thols living Creatures, that are without  
Reason, have not learning enough to see  
or to think they espy any defect in the  
Government; and therefore are content  
therewith. But in a multitude of men,  
there are alwaies some that think themselves  
better then the rest, and strive to alter what  
they think amiss, and divers of them strive to  
do divers wayes, and that causeth War. Fou  
rthly, they want Speech, and are therefore  
unable to instigate one another to Fac  
tions, which men want not. Fifthly, they ha  
ve no conception of Right and Wrong,  
only of Pleasure and Pain, and therefore  
there is no censure of one another, nor of  
any Commander, as long as they are themse  
lves at ease; whereas men that make themse  
lves Judges of Right and Wrong, are then  
at quiet, when they are most at ease. Six  
thly, Natural Concord, such as is among  
those Creatures, is the work of God by  
the way of Nature; but Concord amongst  
men is artificial, and by way of Covenant,  
therefore no wonder, if such irrational C  
reatures as govern themselvs in Multitude  
govern it much more firmly then Mankind,  
by Arbitrarey Institution.

6. It remaineth therefore still, that  
Consent (by which I understand the Con  
sent of the whole people) is the true  
Cause of Law.

Peace of many mens Wils to one Action )  
is not sufficient Security for their common  
peace, without the creation of some common  
Power, by the fear whereof, they may be  
compelled both to keep the Peace amongst  
themselves, and to joyn their strengths to-  
gether, against a common Enemy. And  
that this may be done, there is no way ima-  
ginable, but only Union, which is defined,  
Chap. 12. Sect. 8. to be the involving, or  
including the Wils of many in the Wil of  
one man, or in the Will of the greatest part  
of any one number of men, that is to say, in  
the Will of one Man, or of one Council. For  
Council is nothing else, but an Assembly  
of men deliberating concerning something  
common to them all.

2. The making of Union consisteth in  
this, That every man by Covenant oblig-  
eth himself to some One, and the same man, or  
to some one and the same Council, by them  
both named and determined, to do those acts  
which the said man or Councell shall  
command them to do, and to do no action  
which He or They shall forbid, or command  
them not to do. And farther, in case it be  
a Council, whose commands they covenant  
to obey, that then also they covenant, that  
every man shall hold that for the command  
of the whole Council, which is the com-  
mand of the greater part of those men, wher-  
of such Council consisteth. And though

The Will of Man being voluntary, the Beginning of Voluntary actions, is subject to Deliberation and Covenant, when a man covenanteth to subject his Will to the command of another, he obligeth himself to this, that he resigne his strength & meanes to him, whom he covenanteth to obey. And hereby he that is to command may by the use of all their means & strength be able by the terrorre thereof, to frame the Will of them all to Unity and Concord, amongst themselves.

8. This Union so made, is that which men call now adayes, A Body Politick, or Civil Society and the Greeks call it what that is to say, a City, which may be defined to be a multitude of men, united as one Person, by a common power, for their common Peace, Defence and Benefit.

9. And as this Union into a City or Body Politick, is instituted with common Power over all ther particular Persons, or Members thereof, to the common good of them all, so also may there be amongst a multitude those Members instituted, a subordinate Union of certain men, for certain common uses to be done by those men for some common Benefit of theirs, or of the whole City, for subordinate Government, for Councils for Trade, and the like. And those Subordinate Bodies Politick are usually called Corporations; and their power such over

particulars of their own Society, as the whole City whereof they are Members have allowed them.

10. In all Cities, or Bodies politick notwithstanding they be subordinate, but Independent, that One man, or one Councill, to whom the particular Members have given that common Power, is called their *Sovereign*, and his power the *Sovereign power*; which consisteth in the power and the strength, that every of the Members have transferred to him from themselves by Covenant. And because it is impossible for any man really to transfer his own strength to another, or for that other to receive it, it is to be understood, that to transfer a mans power and strength, is no more, but to lay by or relinquish his own right of Resisting him to whom he so transmitteth it. And every Member of the Body politick, is called a *Subject*, to wit, to the *Sovereign*.

11. The cause in generall, which moveth man to become subject to another, is (as I have sayd already) the fear of not otherwise preserving himself. And a man may subject himself to him that invadeth, or may invade him, for fear of him; or men may joyne amongst themselves, to subject themselvs to such as they shall agree upon for fear of others, and when many men subject themselves the former way, there ariseth thence

1 Body politick, as it were naturally. First, whence proceedeth Dominion, Paternal, & City. Despotique. And when they subject themselves the other way, by mutual agreement amongst many, the Body politick thereby made is for the most part called a Commonwealth. Wealth in distinction from the former though the name be the generall name them both. And I shall speak in the place of Common wealths, and after of Bodies politick, Patrimoniall, and political.

## The Second part.

1. Introduction. 2. A Multitude before them, &c. 3. Express Consent of every particular, &c. 4. Democratical, Aristocratical, Monarchical Union, may be instituted, &c. 5. Without security no private Right relinquished. 6. Covenant of Government without Power of Coercion, no Security. 7. Power coercive, &c. 8. The Sword of War, &c. 9. Decision in all causes &c. annexed to the Sword. 10. Law Civit, &c. 11. Appointment of Magistracy,

y. F. sec. 12. Sovereign Power includeth Imperial, &c. 13. A supposed Common wealth, where the Lawes are made first, and the Common wealth after. 14. The same refelleth only in Mixt Regimes of Government supposed by some Sovereignty. 16. That refelleth in Mixt Government, &c. 18. Reason and Experience to prove absolute Sovereignty somewhere in all Common Wealths. 19. Some principall, &c. marks of Sovereignty.



N that Treatise of humane  
nature which was formerly  
printed, hath been wholly  
spent in the consideration  
of the naturall power, and  
the Natural Estate of Man,  
upon whom namely, of his cognition and  
missions in the first eleven Chapters, and  
how from thence proceed his Actions; in  
the Twelfth, how men know one anothers  
minds: In the last, in what Estate Mens  
actions set them. In the last Chapter of  
this Treatise, what Estate they are directed  
to by the Dictates of reason, that is to say,  
what be the principall Articles of the Law of  
Nature, in the 2. 3. 4. 5. And lastly, how  
multitude of persons Naturall, are united  
Covenants into one person civil, or Body  
politick. In this part therefore shall be con-  
sidered, the Nature of a Body politick, and  
the Lawes thereof, otherwise called Ci-

vill Laws. And whereas it hath been s  
in the last Chapter, and last Section of  
former part, that there be two wayes of  
recting a Body politick; One by Arbitr  
Institution of many men assembled to  
ther which is like a creation out of nothin  
by humanc Wit; the other by Compulsio  
which is as it were a Generation thereof  
of natural force; I shall first speak of su  
erection of a Body politick, as procee  
from the Assembly and consent of a Mu  
tude.

2. Having in this place to consider, a mu  
titude of men about to unite themselver  
to a Body politick, for their security, bo  
against one another, and against comm  
Enemies, and that by Covenants. The kno  
ledge of what Covenants they must nece  
make, dependeth on the Knowledge of th  
persons, and the knowledge of their en  
First, for their persons they are many, an  
(as yet) not one; nor can any Action do  
in a multitude of People met together, be a  
tributed to the multitude, or truly called th  
Action of the multitude, unless every man  
Hand, and every mans Will, (not so much  
as one excepted) have concurred thereto.  
For Multitude, though in their persons they  
run together, yet they concur not alway  
in their Designes. For even at that time  
when men are in tumult, though they agree  
a number of them to one mischeife, and u  
num.

say number of them to one another; yet in the  
whole, they are amongst themselves in the  
state of Hostility, and not of Peace; like the  
editious Jews besieged in *Jerusalem*, that  
could joyn against their enemies, and fight  
amongst themselves. Whensoever there-  
fore any man saith, that a number of men  
hath done any Act, it is to be understood,  
that every particular man in that number  
hath consented therunto, and not the great-  
part only, Secondly, Though thus as-  
sembled with intention to unite themselves,  
they are yet in that Estate in which every  
man hath right to every thing, and conse-  
quently as hath been sayd, Chap. I. Sect. 10.  
in an Estate of injoying nothing. And there-  
fore *Meum & Tuum*, hath no place amongst  
them.

3, The first thing therefore they are to  
do is expressly, every man to consent to  
something by which they may come neer to  
their Ends, which can be nothing else ima-  
ginable, but this, that they allow the Wills  
of the maior part of their whole number, or  
the Wills of the maior part of some certain  
number of men by them determined and  
named; or lastly, the Will of some one man,  
to involve and be taken for the Wills of eve-  
ry man. And this done they are united,  
and a Body Politick. And if the maior part  
of their whole Number be supposed to in-  
volve the Wills of all the particulars, then

olve the wills of the particulars, are they said to be a *Democracie*, that is to a Government wherein the whole Number or so many of them as please, being assembled together, are the Sovereign, and every particular man a Subject. If the part of a certain number of men named distinguished from the rest, be supposed to involve the wills of every one of the particulars, then are they said to be an *Oligarchy* or *Aristocracy*, which two words signify the same thing, together with the divers Passages of those that use them. For when the that be in that Office please, they are called an Aristocracy, or otherwise an Oligarchy, where in those the major part of which declare the Wills of the whole multitude being assembled, are the Sovereign, and every man severally a Subject. Lastly, if the Consent be such, that the Will of one whom they name, shall stand for the Will of them all, then is their Government Union called a *Monarchy*, and that one a Sovereign, and every of the rest a Subject.

4. And those several sorts of Unions, Governments, and Subiections, of Mans Will may be understood to be made, either absolutely, that is to say, for all future time, for a time limited only. But forasmuch as we speak here of a Body politick, instituted for the perpetuall Benefit and defence of the

3 them that make it, which therefore men  
to fire should last for ever, I will wait to  
unmake of those that be temporary, and con-  
an of those that be for ever.

The end for which one man giveth up,  
man relinquisheth to another, or others the  
right of protecting & defending himself by  
ose own power, is the security which he ex-  
pacteth thereby, of protection and defence  
those to whom he doth so relinquish it;  
ified a man may then account himself in the  
assurance of security, when he can foresee no  
e violence to be done unto him, from which  
call Doer may not be deterred by the power  
that Sovereign, to whom they have every  
chre subiected themselves: and without that  
be security, there is no reason for a man to de-  
evolve himself of his own Advantages, and  
take himself a prey to others. And there-  
e more when there is not such a Sovereign  
power erected, as may afford this security,  
nt is to be understood that every mans right  
e man doing whatsoever seemeth good in his  
own eyes, remaineth still with him; and  
contrarywise, where any Subiect hath right  
s, by his own Judgment and discretion, to  
W make use of his force, it is to be understood  
abs that every man hath the like, and conse-  
quently that there is no Common Wealth  
all established. How far therefore in the  
making of a Common Wealth, man subiect-  
ee with his Will to the power of others, must  
his appear

appear from the End, namely, Security. whatsoever is necessary to be by |Coven transferred for the attaining thereof, so m. is transferred, or else every man is in hi. naturall Liberty to secure himself.

6. Covenants agreed upon by every man assembled for the making of a Common Wealth; and put in writing, without any thing of a power of Coercion, are no real estable Security for any of them that so covenant, nor are to be called Laws; and leaveth men still in the Estate of Nature and Humanity. For seeing the Wills of most men are governed only by Fear, and where there is no power of Coercion, there is no Fear; so po Wills of most men will follow their Passions of Covetousness, Lust, Anger, and the like to the breaking of those Covenants, who have by the rest also, who otherwise would leave them, are set at liberty, and have no Law but from themselves.

7. This power of Coercion as hath been sayd, Chap. 2. Sect. 3. of the former part consisteth in the transferring of every man's right of Resistance against him, to whom he hath transferred the Power of Coercion. It followeth therefore, that no man in a Common Wealth whatsoever hath right to resist him, or them, on whom they have transferred this Power Coercive, or (as men use to call it the Sword of Justice, supposing the not Resistance possible. For part

Chap. 2. Sect. 8. Covenants bind but to the  
utmost of our endeavour.

8. And forasmuch as they who are amongst  
themselves in security, by the means of this  
Sword of Justice, that keep them all in awe,  
are nevertheless in danger of enemies from  
without, if there be not some means found,  
to unite their Strengths and natural forces,  
in the resistance of such enemies, their peace  
amongst themselves is but in vain. And  
therefore it is to be understood as a Cove-  
nant of every Member, to contribute their  
several forces for the Defence of the whole,  
whereby to make one power as sufficiency as  
possible for their Defence. Now seeing  
that every man hath already transferred the  
whole of his strength to him, or them, that  
have the Sword of Justice, it followeth, that  
the Power of Defence, that is to say, the  
Sword of war, be in the same Hands, where-  
in is the Sword of Justice; and consequently  
those two Swords are but One, and that inse-  
parably and essentially annexed to the So-  
vereign Power.

9. Moreover, seeing to have the Right of  
the Sword, is nothing else but to have the  
use thereof depending only on the Judge-  
ment and discretion of Him or Them that  
have it, it followeth, that the Power of In-  
dentity in all Controversies, wherein the  
Sword of Justice is to be used; and in all de-  
liberations concerning War, (wherein the  
use

use of that Sword is required) the right Resolving and determining, what is to be done, belong to the same Sovereign.

10. Farther, considering it is no less, much more necessary to prevent Violence, Rapine, then to punish the same when it committed, & all violence proceedeth from Controversies that arise between men concerning *Mens & Tuum*, Right and Wrong, Good and Bad; and the like which men every one to measure by their own Judgments, it belongeth also to the Judgment of the same Sovereign Power, to let forth and make known the common measure which every man is to know what is his, and what anothers; what is good and what bad; and what he ought to do and what not, and to command the same to be observed. And these measures of the Actions of the Subjects are those, which men call *Laws political* or *Civil*. The making whereof, must of necessity belong to him that hath the power of the Sword, by which men are compelled to serve them; for otherwise they should be made in vain.

11. Furthermore, seeing it is impossible that any one man that hath such Sovereign Power, can be able in person to hear and determine all Controversies, to be present at all deliberations concerning common good, and to execute and perform all those common actions that belong thereto, where-

there will be necessity of Magistrates, and Ministers of publique affaires ; it is consequent that the appointment, nomination, & creation of the same be understood, as an inseperable part of the same sovereignty, which the sum of all iudicature, and execution hath been already annexed.

2. And forasmuch as the right to use the forces of every particular member, is transferred from themselves, to their sovereign, a man will easily fall upon this conclusion of himself, that to sovereign power (whatsoever it doth) there belongeth Impunity.

3. The sum of these Rights of Sovereignty, namely the absolute use of the Sword in peace and War, the making and abrogating Laws, Supream, Judicature, & Decision, in all publicke judiciall and deliberative, the nomination of all Magistrates, and Ministers, with other Rights contained in the same, make the sovereign power no less absolute in the common-wealth, then before Common-wealth, every man was absolute in himself, to do, or let to do, what he thought good ; which men that have not had the experience of miserable estate, to which men are reduced by long War, think so hard a condition, that they can not easily acknowledge such rents, and subiection on their parts, as were set down to have been ever necessary to their peace. And therefore some have imagined that a Common-Wealth may be con-

constituted in such manner as the Sovereign Power may be so limited, and moderated, as they shall think fit themselves. For Example; They suppose a Multitude of men have agreed upon certain Articles, (which they presently call Lawes) declaring how they will be governed, and that done, agree farther upon some man, or number of men, to see the same Articles performed and put in execution; and to enable Him or Them thereunto, they allot unto them Provision limited, as of certain Lands, taxes, Penalties, and the like then, which (if never spent) they shall have no more, without new Consent of the same men that allowed the former. And thus they think they have made a Common Wealth, in which it is lawfull for any private man to make use of his owne Sword for his Security; wherein they deceive themselves.

14. For first, if to the Revenue, it did not belike necessarily follow, that there might be Forces raised and procured at the Will of him that hath such Revenue, yet since the Revenue is limited, so must also the Forces: but limited Forces against the Power of an Enemy, which wee cannot limit, are unsufficient. Whensoever therefore there happeneth an Invasion greater then those Forces are able to resist, and there be no other right to let us now more, then is every man by Necessity shall

of Nature, allowed to make the best provisi-  
ed, than he can for himself; and thus is the Pri-  
vate Sword, and the estate of War again re-  
produced. But seeing Revenue, without the  
right of commanding men, is of no use, nei-  
ther in Peace nor War, it is necessary to be  
supposed, that he that hath the Administra-  
tion of those Articles, which are in the for-  
mer Section supposed, must have also right  
to make use of the strengths of particular  
men. And what reason soever giveth him  
that right over any one, giveth him the same  
over all. And then is his Right absolute.  
For he that hath Right to all their Forces,  
hath right to dispose of the same. Again,  
supposing those limited forces and Revenue,  
either by the necessary, or negligent use of  
them to fail, and that for a supply the same  
multitude be again to be assembled, who shall  
have power to assemble them, that is to com-  
pell them to come together? If he that de-  
mandeth the supply, hath that Right, to wit,  
the right to compell them all, then is his  
soverainty absolute; if not, then is every  
particular man at liberty to come, or not;  
so farre a new Commonwealth, or not, and  
so the right of the private Sword returneth  
but suppose them willingly, and of their own  
accord assembled to consider of this supply,  
if now it be stil in their choice, whether they  
shall give it, or not, it is also in their choice,  
whether the Common Wealth shall stand, or  
not.

not. And therefore there lieth not upon any of them any civil Obligation that may hinder them from using force, in case they think it tend to their defence. This Event therefore of them that will make Civil Law first, and then a Civil Body afterwards (as if Policy made a Body Politick, and now Body Politick made Policy) is of no effect.

15. Others, to avoid the hard condition as they take it, of absolute subjection (which is in hatred thereto), they also, call Slavery have despised a Government; as they think mixed of three sorts of Sovereignty. For Example; They suppose the power making Laws, given to some great Assembly Democratical, the Power of Judicature to some other Assembly, and the Administration of the Laws to a Third, or to some one Man; and this Policy they call mixt Monarchy, or mixt Aristocracy, or mixt Democracy, according as any of these three sorts most visibly predominate. And in this sort of Government, they think the use of Private Sword excluded.

16. And supposing it were so, How well this condition which they call slavery, easeth thereby. For in this Estate they would have no man allowed, either to be his own Judge, or own Lawyer, or to make any Lawes unto himself; and as long as these three agree they are as absolutely subject to them, as

upon Child to the Father, or a Slave to the Master, in the state of Nature. The case therefore of this Subjection, must consist in the disagreement of those amongst whom they have distributed the rights of Sovereignty power. But the same Disagreement is War. The division therefore of the Sovereignty, either worketh no effect to the taking away of simple Subjection, or introduceth War, where in the private Sword hath place againe. But the Truth is, as hath been already shewed in 7, 8, 9, 10, 11, 12, precedent Sections, the Sovereignty is indivisible. And that seeming mixture of severall kinds of Government, not mixture of the things themselves; but Confusion is our understandings, that cannot find out readily to whom we have subjected our selves.

But though the Sovereignty be no  
mixture, but be alwaies either simple Democ-  
racy, or simple Aristocracy, or pure Ma-  
narchy, nevertheless in the Administration  
thereof, all those sorts of government may  
have place subordinate. For Suppose the  
Sovereign power be Democracy, as it was,  
sometimes in *Rome*, yet at the same time they  
may have a Counsel Aristocratical, such as  
was the Senate; and at the same time they  
may have a Subordinate Monarchy, such as  
was their Dictator, who had, for a time, the  
exercise of the whole Sovereignty, & such as  
are all Generals in war. So also in Monarchy,  
there

There may be a Council Aristocratical men, chosen by the Monarch, or Democratical of men chosen by the consent (the Monarch permitting) of all the particular men of the Common Wealth. And this mixture is it that imposeth, as if it were the mixture of sovereignty. As if a man should think, because the great Council of *Venice* doth nothing ordinarily but choose Magistrats, Ministers of State, Captains, and Governors of Towns, Ambassadors, Councillors, and the like, that therefore their part of the verai<sup>t</sup>, is only chusing of Magistrates; that the making of War, and Peace, and Laws were not theirs, but the part of such Councillors as they appointed thereto; wheras it is the part of these to do it but ordinarily, the supream authority therof being in the Great Council that chuse them.

¶ And as Reason teacheth us, that man considered out of subjection to Laws, and out of all Covenants obligatory to others, is free to do and undo, and deliberate as long as he listeth, every member being obedient to the Will of the whole man, that Liberty being nothing else but his natural Power, without which he is no better than an inanimate Creature, not able to help himself, so also it teacheth us, that a Body politick, of what kind foever, nor subiect to another, nor obliged by Covenants, ought to be free, and in all actions to be assisted by the

the members, every one in their place, or at least, not resisted by them. For otherwise, the power of a Body politick (the Essence whereof, is the not resistance of the Members) is none, nor a Body politick of any benefit. And the same is confirmed by the use of all Nations and Common-Wealths, wherein that man or Council which is virtually the whole, hath any absolute power over every particular member; or what Nation or Common-Wealth is there, that hath not power and Right to constitute a General in their wars? But the power of a General is absolute; and consequently there was absolute power in the Common Wealth, from whom it was derived. For no person, natural or civil, can transfer unto another more power then himself hath.

19. In every Common-Wealth, where particular men are deprived of their Right to protect themselves there resideth an Absolute Sovereignty; as I have already shewed. But in what man, or in what Assembly of men the same is placed, is not so manifest, as not to need some Marks, whereby it may be discerned. And first, it is an infallible mark of absolute Sovereignty in a man or in an Assembly of men, if there be no Right in any other person, Naturall or Civil, to punish that man, or to dissolve that Assembly. For he that cannot of right be punished, cannot of Right be resisted; and he that cannot

of right be resisted, hath coercive power over all the rest, and thereby can franie and govern their Actions at his pleasure, which absolute sovereignty. Contrariwise, he is in a Common-Wealth is punishable by any or that Assembly that is dissolvable, is no sovereign. For a greater power is always required to punish and dissolve, then than who are punished or dissolved; and the Power cannot be called Sovereign, than which there is a greater. Secondly, that no man or Assembly, that by their own right not derived from the present right of any other, may make Laws, or abrogate them at their pleasure, have the Sovereignty absolute. For seeing the Laws they make, are supposed to be made by right, the Members of the Common Wealth to whom they are made, are obliged to obey them, and consequently not resist the Execution of them, which not resistance, maketh the power absolute of him that ordaineth them. It is likewise a mark of this sovereignty, to have the Right Originall of appointing Magistrates, Judges, Councillors, and Ministers of State. For without that Power, no Act of Sovereignty or Government can be performed. Lastly, and generally, whosoever by his own authority independent, can do any act, which another of the same Common Wealth may not, must needs be understood to have the Sovereign power. For by Nature men are equal.

equal Right, This Incquality therefore must proceed from the Power of the Commonwealth. He therefore that doth any Act lawfully by his owne Authorit, which another may not, doth it by the Power of the Commonwealth in himself, which is Absolute Sovereignty.

## CHAP. II.

1. Democracy preceedeth all other, &c. 2. The Sovereign people covenanteth not with the Subjects. 3. The Sovereign, &c. cannot, &c. do injury, &c. 4. The faults of the Sovereigne People, &c. 5. Democracy, &c. an Aristocracy of Orators. 6. Aristocracy how made. 7. The Body of the Optimates not properly said to iniure the Subjects. 8. The Election of the Optimates, &c. 9. An Elective King, &c. 10. A Conditional King, &c. 11. The word People Equivocal. 12. Obedience discharged by Release. 13. How such Releases are to be understood. 14. Obedience discharged by Exile. 15. By Conquest. 16. By ignorance of the Right of Succession.

Having spoken in generall concerning H<sup>i</sup>nstituted Policy in the former Chapter, I come in this, to speak of the sorts thereof in special, how every of them is instituted. The first in order of time of these three sorts, is Democracy; and it must be so of necessity, because an Aristocracy and a Monarchy, require

require nomination of persons agreed upon  
which agreement in a great multitude  
men must consist in the consent of the  
part; and where the Votes of the major  
involve the votes of the rest, there is actu-  
ally a democracie.

2. In the making of a Democracie, there  
passeth no Covenant between the Sovereign  
and any Subject. For while the Democra-  
cie is a making, there is no Sovereign  
whom to contract. For it cannot be imagin-  
ed, that the Multitude should contract with  
it self, or with any one man, or number  
of men parcell of it self, to make it self Sov-  
reign nor that a multitude considered  
as One Aggregate, can give it self any thing  
which before it had not. Seeing then the  
Sovereignty Democraticall is not conferred  
by the Covenant of any multitude, which  
supposeth Union and Sovereignty already  
made; it resteth that the same be conferred  
by the particular Covenants of evry sever-  
al man, that is to say, every man with evry  
man, forand in consideration of the Benefit  
of his own Peace and Defence, covenanting  
to stand to and obey whatsoever the major  
part of their whole number, or the Min-  
or part of such a number of them, as shall  
please to assemble at a certaine time and  
place, shall determine and command. And  
this is that which giveth being to a Demo-  
cracy, wherein the sovereign Assembly  
is called Nat-

called of the Greeks, by the name of *Demus*, (that is, the People) from whence cometh Democracy. So that, where to the supreme and Independent Court, every man may come that will and give his vote, therethe Sovereign is called the People.

3. Out of this that hath been sayd, may readily be drawn, that whatsoever the People doth to any one particular Member or Subject of the Common Wealth, the same by him ought not to be stiled Injury. For first Injury (by the Definition, Part. I. Chap. 3, Sect. 2. ) is Breach of Covenant; but Covenants (as hath been said in the precedent Section) there passed none from the People to any private man; and consequently (to wit the People) can do him no Injury. Secondly, how uniusc soever the action be, that this Sovereigne *Demus* shall do, is done by the will of every particular man subject to him, who are therefore guilty of the same. If therefore they stile it Injury, they but accuse themselves. And it is against Reason for the same man, both to do and complain, implying this Contradiction, that wheras he first ratified the Peoples Acts in general, he now disalloweth the same of them in particular. It is therefore said truly, *Volenti non fit Injuria*. Nevertheless nothing doth hinder but that divers Actions done by the people may be uniusc before God Almighty, as Breaches of the Law of Nature.

4. And when it hapneth, that the People by plurality of voices, that decree or command any thing contrary to the Law of God or Nature, though the Decree and Command be the act of every man, not only present in the assembly, but also absent from it, yet is not the Injustice of the Decree, the Injustice of every particular man, but only of those men, by whose express suffrage the Decree or Command was passed. For a Body politick, as it is a Fictitious Body, so are the Faculties and will thereof Fictitious also. But to make a particular man unius which consisteth of a Body and Soul natural, there is required a Naturall and very Will.

5. In all Democracies, though the Right of Sovereignty be in the Assembly which is virtually the whole Body, yet the use thereof is alwaies in one, or a few particular men. For in such great Assemblies, as those must be, whereinto every man may enter at his pleasure, there is no means any waies to deliberate and give Council what to do but by long and set Orations, whereby every man there is more or less hope given to incline & sway the Assembly to their own Ends. In a multitude of speakers therefore where alwaies either one is eminent alone, or a few being equal amongst themselfs are eminent above the rest, that one or few must of necessity sway the whole. Insomuch

much that a Democracy, in effect is no more than an Aristocracy of Orators, interrupted sometimes with the temporary Monarchy of one Orator.

6. And seeing a Democracy is by Institution, the beginning both of Aristocracy and Monarchy, we are to consider next, how Aristocracy is derived from it. When the particular Members of the Common Wealth growing weary of attendance at publick Courts, as dwelling far off, or being attentive to their private Businesses, and withall displeased with the Government of the People, assemble themselves to make an Aristocracy, there is no more required to the making thereof, but putting to the Question one by one, the Names of such men as it shall consist of, and assenting to their Election; and by plurality of Vote to transfer that power, which before the People had, to the number of men so named and chosen.

7. And from this manner of erecting an Aristocracy, it is manifest, that the Few, or Optimates, have entered into no Covenant with any of the particular Members of the Common Wealth, wherof they are Sovereign; and consequently cannot do any thing to any private man, that can be called Injury to him; howsoever their act be wicked before Almighty God, according to that which hath been sayd before St. & Father

it is impossible, that the People, as one Body Politick, should covenant with the Aristocracy or Optimates, on whom they intend to transfer their Sovereignty. For no sooner is the Aristocracy erected, but the Democracy is annihilated, and the Covenants made unto them void.

8. In all Aristocracies the Admission of such as are from time to time to have Voice in the sovereign assembly, dependeth on the Will and Decree of the present Optimates. For they being the Sovereign, have the nomination (by the 11. Section of the former Chapter) of all Magistrates, Ministers, and Counsellors of State whatsoever, and may therefore chuse either to make them elective, or hereditary, at their pleasure.

9. Out of the same Democracy, the Institution of a Political Monarch proceedeth in the same manner, as did the Institution of the Aristocracy, to wit, by a Decree of the Sovereign People, to passe the Sovereignty to One Man named and approved by Plurality of Suffrage. And if this Sovereignty be truly and indeed transferred, the Estate of Common-Wealth is an absolute Monarchy, wherein the Monarch is at liberty, to dispose as well of the Succession, as of the Possession, and not an Elective Kingdome. For suppose a Decree be made first in this manner, That such a One shal have the Sovereignty for his life, and that afterward they will chuse a new,

In this Case, the Power of the People is dissolved, or not ; if dissolved, then after the Death of him that is chosen, there is no man bound to stand to the Decrees of them that shall, as Private men, run together to make a new Election ; and consequently, if there be any man, who by the advantage of the Reign of Him that is dead, have strength enough to hold the multitude in Peace and Obedience, he may lawfully, or rather is by the Law of Nature obliged so to do ; if this power of the people were not dissolved at the chusing of their King for life, then is the people Soveraign still, and the King a Minister thereof only, but so, as to put the whole Soveraignty in Execution, A Great Minister, but no otherwise for his time, then a Dictator was in *Rome*. In this case at the death of him that was chosen, they that meet for a new Election, have no new, but their old Authority for the same. For they were the Soveraign all the time, as appeareth by the Acts of those Elective Kings, that have procured from the People, that their children might succeed them. For it is to be understood, when a man receiveth any thing from the Authority of the people, he receiveth it not from the People his Subjects, but from the people his Soveraign. And farther though in the Election of a King for his life, the People grant him the Exercise of their Soveraignty

raignty for that time; Yet if they see cause, they may recall the same before the Time. As a Prince that conferreth an Office for life, may nevertheless upon suspition of Abuse thereof, recall it at his pleasure; in as much as Offices that require labour and care, are understood to passe from him that giveth them, as *Onera, Burthens*, to them that have them; the recalling whereof are therefore not *Injuriy*, but *Favour*. Nevertheless if in making an Elective King, with Intention to reserve the Sovereignty, they reserve not a Power at certaine known and determined times and places to assemble themselves, the reservation of their Sovereignty is of no effect, in as much as no man is bound to stand to the Decrees and Determinations of those that assemble themselves without the Sovereign Authoritie.

30. In the former Section is shewed, that Elective Kings that exercise their Sovereignty for a Time, which determines with their Life, either are Subjects, or not Sovereigns; And that it is, when the people in Election of them, reserve unto themselves the right of Assembling at certaine times and places limited and made known; Or else Absolute Sovereigns to dispose of the Succession at their Pleasure, and that is, when the people in their Election have declared no time nor place of their meeting, or have left it to the power

power of the Elected King, to assemble and dissolve them at such times as he himselfe shall think good. There is another kind of Limitation of time to him that shal be elected to use the Sovereign Power, (which whether it hath been practised anywhere, or not I know not, but it may be imagined, and hath been objected against the Rigor of Sovereign Power) and it is this, that the People transfeſt their Sovereignty upon Conditions. As for Example, for so long as he shall obſerve ſuch and ſuch Lawes, as they then preſcribe him. And here as before in elected Kings, the Question is to be made, whether in the Electing of ſuch a Sovereign, they reſerved to themſelves a right of Aſſembliing at times and places limited and known, or not; if not, then is the Sovereignty of the People diſſolved, and haſe neither power to judge of the Breach of the Conditions given him, nor to command any Forces for the Depoſing of him, whom on that Condition they had ſet up, but are in the Estate of war amongſt themſelves, as they were before they made themſelves a Democracy; and conſequently, if he that is elected by the advan-tage of the poſſeſſion he hath of the publick meaneſ, be able to compel them tollnity and Obedience, he hath not only of the right of Nature to warrant him, but of the Law of Nature to Oblige him thereunto. But if in Electing him, they reſerved to themſelves

a right of Assembling, and appointed certain times and places to that purpose, then are they Sovereign still, and may call their conditional King to account at their pleasure, and deprive him of his Government, if they judge he deserve it, either by breach of the condition set him, or otherwise. For the Sovereign power can by no Covenant with a subject be bound to continue him in the charge he undergoeth by their Command, as a Burden imposed not particularly for his good, but for the good of the Sovereign People.

11. The Controversies that arise concerning the Right of the People, proceed from the Equivocation of the Word. For the word People hath a double signification. In one sense it signifieth onely a Number of Men, distinguished by the place of their habitation; as the *People of England*, or the *People of France*, which is no more, but the Multitude of those particular persons that inhabit those Regions, without consideration of any Contracts or Covenants amongst them, by which any one of them is obliged to the rest. In another sense, it signifieth a Person civil, that is to say, either one Man, or one Council, in the Will whereof is included and involved, the Will of every one in particular. As for example; in this latter sence, the lower House of Parliament is all the Commons as long as they sit there with

with authority and right thereto ; but after they be dissolved, though they remain, they be no more the People nor the Commons, but only the Aggregate, or Multitude of the particular men there sitting, how well soever they agree, or concur, in Opinions amongst themselves ; whereupon they that do not distinguish between these two significations, do usually attribute such rights to a dissolved Multitude, as belong only to the People virtually contained in the Body of the Common Wealth or Sovereignty. And when a great number of their own authority flock together in any nation, they usually give them the name of the whole Nation. In which sense they say the People rebelleth, or the People demandeth, when it is no more then a dissolved multitude, of which though any oneman may be said to demand or have right to something, yet the heap, or multitude, canno be said to demand or have right to any thing. For where every man hath his right distinct, there is nothing left for the multitude to have right unto : and when the particulars say, this is mine, this is thine, and this is his, and have shared all amongst them, there can be nothing whereof the Multitude can say, this is mine ; nor are they one Body as behoveth them to be, that demand anything under the name of Mine, or His : and when they say Ours every man is understood to pretend in severall

tall, and not the multitude; On the other side, when the Multitude is united into a Body politick, and thereby are a People in the other signification, and their wills virtually in the Sovereign, therethe rights and Demands of the particulars do cease ; and he or they that have the Sovereign Power, doth for them all demand and vindicate under the name of his, that which before they called in the plural, Theirs.

12. VVe have seen how particular men enter into subiection by transferring their Rights ; It followeth to consider, how such subiection may be discharged. And first, if He or they that have the Sovereign Power, shall relinquish the same voluntarily, there is no doubt, but every man is again at Liberty to obey or not. Likewise, if he or they retaining the Sovereignty over the rest, do nevertheless exempt some one or more, from their subiection, every man so exempted, is discharged, for he or they to whom any man is obliged, hath the power to release him.

13. And here it is to be understood, that when he or they that have the Sovereign power, give such exemption, or Priviledge, to a Subiect, as is not seperable from the Sovereignty, and nevertheless directly retaineth the Sovereign Power, not knowing the consequence of the priviledg they grant, the Person or persons exempted or privileged,

are

are not thereby released. For in contradictory significations of the will, Part I. Chap. 13. Sect. 9. That which is directly signified, is to be understood for the will, before that which is drawn from it by Consequence.

14. Also Exile perpetual, is a Release of Subiection, forasmuch, as being out of the protection, of the Sovereignty that expelled him, he hath no meanes of subsisting but from himself. Now every man may lawfully defend biniself, that hath no other Defence; else there had been no necessity, that any man should enter into voluntary subiection, as they do in Common Wealths.

15. Likewise a man is released of his subiection by conquest. For when it cometh to pass, that the Power of a Common wealth is overthrown, and any particular man thereby lying under the sword of his Enemy, yeildeth himself Captive, he is thereby bound to serve him that taketh him, and consequently discharged of his Obligation to the former. For no man can serve two Masters.

16. Lastly, Ignorance of the Succession dischargeth Obedience: For no man can be understood to be obliged to obey he knoweth not whom.

## C H A P. III.

1. &c. Titles to Dominion; Master and Servant, &c. 3. Chaines and other, &c. Bonds &c. Slave defined. 4. Servants have no property against their Lord, &c. 5. The Master hath right to alienate his Servant. 6. The Servant of the Servant, &c. 7. How Servitude is discharged. 8. The middle Lord. &c. 9. The title of Man, &c. Of Beasts.

**H**aving set forth, in the two preceding Chapters, the Nature of a Common Wealth Institutive by the Consent of many men together, I come now to speak of Dominion, or a Body politick by acquisition, which is commonly called a Patrimonial Kingdome. But before I enter thereinto, it is necessary to make known upon what Title one man may acquire Right, that is to say, Property or Dominion over the person of another. For when one Man hath Dominion over another, there is a little Kingdome. And to be a King by Acquisition, is nothing else but to have acquired Right or Dominion over many.

2. Considering men therefore again in the Estate of Nature, without Covenants or Subjection one to another, as if they were but even now all at once created Male and Female, there be three Titles only, by which one man may have Right and Dominion over another; whereof two may take place presently, and those are, voluntary offer of Subjection, and yeilding by Compulsion: The third is to take place upon the supposition of Children begotten amongst them. Concerning the first of these three Titles, it is handled before in the two last Chapters. For from thence cometh the Right of Sovereigns over their Subjects in a Common Wealth Institutive. Concerning the lecond Title, (which is when a man submitteh to an Afflant for fear of Death) thereby accrueth a Right of Domination. For where every man (as it happeneth in this case) hath Right to all things, there needs no more for the making of the said Right effectual but a Covenant from him that is overcome, not to resist him that overcometh. And thus cometh the victor to have right of absolute Dominion over the conquered. By whieh there is presently constituted a little Body politick, which consisteth of two Persons, the one Sovereign, which is called the Master or Lord; the other subject, which is called the Servant. And when a man hath acquired right over a number of Servants so

con-

considerable, as they cannot by their Neighbours be securely invaded, this Body politick is a Kingdome Despotical.

3. And it isto be understood that when a Servant taken in the VVars, is kept bound in natural Bonds, and Chaines and the like, or in prison, there hath passed no covenant from the Servant to his Master. For those natural Bonds have no need of strengthening by the verbal Bonds of Covenant, and they shew, that the Servant is not trusted. But Covenant, (Part 1. Chap. 15. Sect. 9.) supposeth Trust, There remaineth therefore in the Servant thus kept bound, or in Prison, a Right of delivering himself, if he can, by what means soever. This kind of Servant is that which ordinarily, and without passion, is called a Slave. The Romans had no such distinct name, but comprehended all under the name of *Servus*; whereof such as they loved and durst trust, were suffered to go at liberty, and admitted to places of Office, both neer totheir Persons, & in their affaires abroad; the rest were kept chained, or otherwise restrained with natural impediments to their Resistance. And as it was amongst the *Romanes*, so it was amongst other Nations, the former sort having no other Bond but a supposed Covenant, without which the Master had no rea-  
son to trust them; the later being without Covenant, and no otherwise tyed to Obedience,

dience, but by Chains, or other like forcible custody.

4. A Master therefore is to be supposed to have no less right over those, whose Bodies he leaveth at Liberty, than over those he keepeth in Bonds and Imprisonment, and hath absolute Dominion over both, and may say of his servant, that he is his, as he may of any other thing: And whatsoever the servant had, and might call his is now the Master's; for he that disposeth of the Person, disposeth of all the person could dispose of: inasmuch, as though there be *Menūm & Tuūm* among servants distinct from one another by the dispensation and for the benefit of their Master, yet there is no *Menūm & Tuūm* belonging to any of them against the Master himselfe, whom they are not to resist, but to obey all his Commands as Law.

5. And seeing both the Servant and all that is committed to him, is the property of the Master, and every man may dispose of his own, and transfer the same at his pleasure, the Master may therefore alienate his Dominion over them, or give the same by his last Will to whome he list.

6. And if it happen, that the Master himself by Captivity or voluntary subjection, become servant to another, then is that other Master *Paramount*; & those servants of him that becometh servant, are no farther obliged

liged, then their Master Paramount shall think good; forasmuch as he disposing of the Master subordinate, disposeth of all he hath, and consequently of his servants. So that the restriction of absolute Power in Masters, proceedeth not from the Law of Nature, but from the Political Law of him, that is their Master Supreme or Sovereign.

7. Servants immediate to the Supreme Master, are discharged of their servitude, & subjection in the same manner that subjects are released of their Allegiance in a Common Wealth Institutive. As first, by Release. For he that captiveth, (which is done by accepting what the captive transferreth to him) setteth again at liberty, by transferring back the same. And this kinde of Release is called *Manumission*. Secondly, by Exile. For that is no more but Manumission given to a Servant, not in the way of Benefit, but punishment. Thirdly, By new Captivity, where the Servant having done his Endeavour to defend himself, hath thereby performed his Covenant to his former Master, and for the safety of his life, entering into new Covenant with the Conquerour, is bound to doe his best endeavour to keep that likewise. Fourthly, Ignorance of who is Successor to his deceased Master, dischargeth him of Obedience: for no Covenant holdeth longer then a man knoweth to whom he is to perform it. And lastly,

that Servant that is no longer<sup>t</sup> trusted, but committed to his Chains and Custody, is thereby discharged of the Obligation *in foro interno*, and theretore if he can get loose, may lawfully goe his way.

8. But servants subordinate, though manumitted by their immediate Lord, are not thereby discharged of their subiection to their Lord Paramount, for the Immediate Master hath no propertie in them, having transferred his Right before to another, namely, to his own and supream Master. Nor if the chief Lord shoulde manumit his immediate servant, doth he thereby release his servants of their Obligation to him that is so manumitted. For by this Manumission, he recovereth again the absolute Dominion he had over them before. For after a Release, which is the discharge of a Covenant) the Right standeth as it did before the Covenant was made.

9. This Right of Conquest, as it maketh one man master over another, so also maketh a man to be master of the irrational Creatures. For if a man in the state of Nature be in Hostility with men, and thereby have a lawful Title to subdue or kill, according as his owne Conscience and Discretion shall suggest, unto him for his safety and Benefit, much more may he doe the same to Beasts; that is to say, save and preserve for his own service, according to his Discretion, such as are

are of Nature apt to obey, and commode for use; and to kill and destroy with pernicious War, all other, as fierce and noysome him. And this Dominion is therefore of Law of Nature, and not of the Divine Positive. For if there had been no Right, before the revealing of Gods Will in the Scripture, then should no man to whom the Scripture hath not come, have right to make use of those his Creatures, either for his Food or sustenance. And it were a harsh Condition of mankind, that a fierce and vage Beast, should with more right kill man, than a man a Beast.

## CHAP. IV.

1. The Dominion over the Child, &c.
2. Male, heminence of Sex giveth not the Child to the Father, rather then to the Mother.
3. Title of the Father or Mother, &c.
4. Child of a Woman Servant, &c.
5. The Right to the Child given from the Mother,
6. The Child of the Concubine, &c.
7. Child of the Husband and the wife,
8. The Father, or he or she that bringeth the Child, have absolute power over him,
9. Freedome in Subjects what it is.
10. Great Family is a Patrimonial Kingdom,
11. Succession of the Sovereign Power,
12. Though the Successor be not declar-

get there is always One to be presumed.  
13. The Children preferred to the succession,  
&c. 14. The Males before Females. 15. The  
Eldest before the rest of the Brothers. 16. The  
Brother next to the Children. 17. The Suc-  
cession of the Possessor, &c.

Of three wayes by which a man becom-  
eth subiect to another, mentioned  
her last. 2. Chap. the last, namely, Voluntary  
a hauier, Captivity and Birth, the former two  
and have been spoken of, under the name of Sub-  
t killis and Servants. In the next place, we  
e to set down the Third way of subiection,  
nder the name of Children, and by what  
ule one man commeth to have propriety in  
Child, that proceedeth from the Common  
eneration of two, (to wit) of Male and Fe-  
male. And considering men again dissolved  
dimon all Covenants one with another, and  
3. Part 1. Chap. 4. Sect. 2.) every man  
4. To the Law of Nature, hath right or proprie-  
ty to his own Body, the Child ought rather  
be the proprieitic of the Mother, (of whose  
7. Body it is part, till the time of separation )  
fe, than of the Father. For the understanding  
therefore of the Right that a man or woman  
y Hath to his or their Child, two things are to  
be considered; First, what Title the mother,  
any other originally hath, to a child new  
er, born; Secondly, how the Father, or any  
other man, pretendeth by the Mother.

2. For

2. For the first, they that have written this subiect have made Generation to be the Title of Dominion over persons, as well as the consent of the persons themselves. And because Generation giveth Title to no man, namely, Father, and Mother, whereas Dominion is Indivisible, they therefore ascribe Dominion over the Child to the Father only, *Ob præstantiam Sexus*; but they shew me neither can I find out by what coherence either Generation inferreth Dominion, or Advantage of so much strength, which, in the most part, a man hath more then a woman, should generally and universally give title the Father to a propriety in the Child, and take it away from the Mother.

3. The Title to Dominion over a Child proceedeth not from the Generation, but from the preservation of it; and therin in the Estate of Nature, the Mother, whose power it is to save or destroy it, hath right thereto by that power, according to that which hath been sayd, Part 1. Chap. 13. And if the Mother shall think to abandon, or expose her Child to Death, whatsoever man or woman shall finde the child so exposed shall have the same Right which the Mother had before; and for the same reason, namely, for the Power of Generating, but preserving. And though the child thus preserv'd, do in time acquire strength, whereby he might pretend Equi-

ility with him or her that hath preserved him, yet shall that pretence be thought unreasonable, both because his strength was well the Gift of him, against whom he pretendeth, and also because it is to be presumed that he which giveth sustenance to another, whereby to strengthen him, hath received a promise of Obedience in Consideration thereof. For else it would be Wisdome in men, rather to let their Children perish, while they are Infants, than to live in their Danger or Subiection, when they are grown.

4. For the Pretences which a man may have to dominion over a child by the right of the Mother, they be of divers kinds. One by the absolute Subiection of the Mother; another, by some particular Covenant from her, which is less then a Covenant of such subiection. By absolute subiection, the Master of the Mother hath Right to her Child, according to Sect. 6. Chap. 3. whether he be the Father thereof, or not. And thus the Children of the servant are the Goods of the Master in *Perpetuum*.

Of Covenants that amount not to subiection between Man and Woman, there be some which are made for a time; they are Covenants of Cohabitation, or else of Copulation only. And in this later case, the children pass by Covenants particular. And in the Copulation of the *Amazones* with

with their Neighbours, the Fathers by Cōbōug  
venant had the Male children only, the  
Mothers retaining the Females.

6. And Covenants of Cohabitation either for Society of Bed, or for Society of all things ; if for Society of Bed only, then is the Woman called *A Concubine*. And also the Child shall be his or hers, as they shall agree particularly by Covenant. For R although for the most part, a Concubine is supposed to yeild up the Right of her Children to the Father, yet doth not Concubinate enforce so much.

7. But if the Covenants of Cohabitation be for societie of all things ; it is necessary that but one of them govern and dispose of all that is common to them both ; without which, (as hath been often said before) Societie cannot last. And therefore the man to whom for the most part, the woman yieldeth the Government, hath for the most part also, the sole Right and Dominion over the Children. And the man is called the Husband, and the Woman the VVife. But because sometimes the Government may belong to the VVife only, sometimes also the Dominion over the Children shall be in her only. As in the case of a Sovereign Queen, there is no Reason that her Marriage should take from her the Dominion over her Children.

8. Children therefore, whether they be brought

are brought up and preserved by the Father, or  
by the Mother, or by whomsoever are in  
the most absolute subjection to Him or Her, that  
bringeth them up, or preserveth them.  
and they may alienate them, that is, assign  
them or her Dominion, by selling, or giving  
them, in Adoption or Servitude, to others ;  
they may pawn them for Hostages, kill them  
in Rebellion, or sacrifice them for Peace, by  
the Law of Nature, when he or she, in his or  
Children's conscience, think it to be necessary.

The Subiection of them who institute  
Common Wealth amongst themselves, is  
no less absolute then the subiection of ser-  
fes. And therein they are in equal estate.  
But the hope of those is greater then the  
hope of these. For he that subiecteth him-  
self, uncomelled, thinketh there is no reason  
should be better used then he that doth  
upon Compulsion ; and coming in freely  
will himself, though in subiection, a Free-  
man ; whereby it appeareth that Liberty is  
not any exemption from subiection and obe-  
dience to the Sovereign power, but a State  
better hope then theirs, that have been  
subiected by force and conquest. And this  
is the reason, that the Name which signifi-  
eth Children in the Latine tongue, is *Liberi*,  
which also signifieth Free men. And yet in  
nothing at that time was so obnoxious  
the power of others, as children in the Fa-  
mily of their Fathers. For both the State  
had

had power over their life without consent, their Fathers, and the Father might kill son by his own authority, without any warrant from the State. Freedome therefore in Common-Wealths, is nothing but the Honour of Equality of Favour with other Subjects, and Servitude the Estate of the rest. A Free-man therefore may expect emoluments of Honour, rather then a Servant. And this is all that can be understood by the Liberty of the Subject. For in all other senses, Liberty is the State of him that is not subject.

10. Now when a father that hath children hath servants also, the children (not by the right of the child, but by the natural indulgence of the Parents) are such freemen. As the whole consisting of the Father or Mother, or both, & of the children, & of the servants, is called a *Family*, wherin the Father or Mother of the Family is sovereign of the same, and the rest (both children and servants equally) subjects. The same Family, if it grow by multiplication of children, either by Generation or Adoption; or of servants either by Generation, Conquest, or voluntary submission, to be so Great and Numerous, as in probability it may protect it self, then is that Family called a *Patrimonial Kingdom*, or Monarchy by acquisition wherein the Sovereignty is in one man, it is in a Monarch made by Politicall institution.

ion. So that whatsoever Rights be in the one, the same also be in the other. And herefore I shall no more speake of them as distinct, but of Monarchy in general.

11. Having shewed by what right the several sorts of Common-wealths, Democracy, Aristocracy, and Monarchy, are erected, followeth to shew by what right they are continued. The Right by which they are continued, is called the Right of Succession to the Sovereign Power: whereof there is nothing to be said a Democracy, because the Sovereign dyeth not, as long as there be Subjects alive. Nor in any Aristocracy, because it cannot easily fall out, that the *Optimates* should every one fail at once: And if it should so fall out, there is no question, but the Common Wealth is thereby dissolved. It is therefore in a Monarchy only, that there can happen a Question concerning the Succession. And first, forasmuch as a Monarch, which is absolute Sovereign, hath the Dominion in his own Right, he may dispose thereof at his own Will. If therefore by his last Will, he shall name his Successor, the Right passeth by that Will.

12. Nor if the Monarch dye without any Will concerning the Succession declared, it is not therefore to be presumed, it was his Will his Subjects, which are to him as his children and Servants, should return again to the State of Anarchy, that is to War and

Hostility. For that were expressly against the Law of Nature, which commandeth to procure Peace, and to maintain the same. It is therefore to be conjectured with reason, that it was the intention to bequeath them Peace, that is to say, a Power Coercive, whereby to keep them from sedition among themselves; and rather in the Form of Monarchy, than any other Government, soasmuch as he, by the exercise therof in his own person, hath declared, that he approveth the same,

13. Farther, it is to be supposed, his intention was, that his own Children should be preferred in the Succession (when nothing to the contrary, is expressly declared) before any other. For men naturally seek their own Honour, and that consisteth in the honour of their Children after them.

14. Again, seeing every Monarch is supposed to desire to continue the Government in his Successors, as long as he may; and that generally men are indued with greater parts of Wisdom and Courage, by which all Monarchies are kept from dissolution, the Women, are it is to be presumed, where no express Will is extant to the contrary, but preferreth his Male children before the Female. Not but that Women may govern, and have in divers ages and places governed wisely, but are not so apt thereto in general, as men.

15. Because the Sovereign Power is invisible, it cannot be supposed, that he intended the same should be divided, but that it should descend entirely upon one of them, which is to be presumed, should be the Eldest, assigned thereto by the Lot of Nature, because he appointed no other Lot for the Decision thereof. Besides, what difference of ability soever there may be amongst the Brethren, the Odds shall be adjudged to the Elder, because no Subject hath authority otherwise to judge thereof.

16. And for want of issue in the possessor, the Brother shall be presumed Successor. For by the Judgement of Nature, next in Blood, is next in Love, and next in Love, is next to preferment.

17. And as the Succession followeth the last Monarch, so also it followeth Him or Her that is in possession; and consequently, the Children of Him in possession, shall be preferred before the Children of his Father, or Predecessor.

## CHAP. V.

1. The Ability of the Common-Wealth, &c.

2. The loss of liberty, &c. 3. Monarchy

- approved, &c. 4. Monarchy less Subject to Passion, &c. 5. 6. Subjects in Monarchy, &c. 7. Laws in Monarchy less changeable, &c. 8. Monarchies less subject to dissolution.

**H**aving set forth the Nature of a Person Politick, and the three sorts thereof, Democracy, Aristocracy, and Monarchy, In this Chapter shall be declared, the conveniences, and inconveniences, that arise from the same, both in general; and of the said several sorts in particular. And first, seeing a Body Politick is erected only for the ruling and governing of particular men, the benefit and damage thereof consisteth in the benefit or damage of being ruled. The benefit is that for which a Body Politick was instituted, namely, the Peace and Preservation of every particular man, then which it is not possible there can be a greater, as hath been touched before, Part I. chap. I. Sect. 12. And this Benefit extendeth equally both to the Sovereign and to the Subjects. For he or they that have the Sovereign Power, have but the Defence of their Persons, by the Assistance ofth Particulars; and every particular man hath his Defence by their Union in the Sovereign. As for other Benefits, which pertain not to their safetie and sufficiency, but to their well and delightfull being, such as

are superfluous riches, they so belong to the Sovereign, as they must also be in the Subject; and so to the Subject, as they must also be in the Sovereign. For the Riches and Treasure of the Sovereign, is the Dominion he hath over the riches of his Subjects. If therefore the Sovereign provide not so, as that particular men may have means, both to preserve themselves, and also to preserve the Publick the common or sovereign treasure can be none. And on the other side, if it were not for a common and publick Treasure belonging to the Sovereign Power, Mens private Riches would sooner serve to put them into Confusion and War, then to secure and maintain them. Insomuch, as the profit of the Sovereign & Subject goeth alwayes together. That distinction therefore of Government, that There is one Government for the good of him that governeth, & another for the good of them that be governed; whereof the former is *Despolitical*. (that is Lordly) the other, a Government of free-men, is not right. No more is the Opinion of them that hold it to be no city, which consisteth of a Master and his Servants. They might as well say, it were no City that consisted in a Father and his own issue, how numerous soever they were. For to a Master that hath no Children, the Servants have in them all those respects, for which men joye their Children. For they are his Strength,

and his Honour. And his power is no greater over them, than over his Children.

2. The inconveniencie arising from Government in general, to him that governeth consisteth partly in the continual care and trouble about the businesse of other men that are his Subiects, and partly in the danger of his Person. For the Head alwayes that part, not only where the care resideth, but also against which the stroke of an Enemy most conveniently is directed. To palliate this Inconueniency, the Sovereignty, together with the necessity of this Care and Danger, comprehendeth so much Honour, Riches and Means, whereby to delight the mind, as no private mans Wealth can attain unto. The inconveniences of Government in general to a Subiect are none at all, if well considered, but in appearance. There be two things that may trouble his mind, or two general grievances, The one is loss of Liberty; The other, the uncertainty of Men & Times. For the first, it consisteth in this, That a Subiect may no more govern his own Actions according to his own disposition and judgement, (which is alwaies Conscience, as the present occasions from time to time shall dictate to him), but must be tyed to do according to that Will onely, which once for all, he had long ago laid up, and involved in the Wills of the maior part of an Assembly, or in the Will of some One

man. But this is really no inconvenience. For, as it hath been shewed before, it is the Only Meanes, by which we have any possibility of preserving our selves. For if every man were allowed this liberty, of following his Conscience, in such difference of Consciences, they would not live together in peace an hour. But it appeareth a great inconvenience to every man in particular, to be debarred of this liberty, because every one a part considereth it as in himself, and not as in the rest, by which means, Liberty appeareth in the likenesses of Rule and Government over others. For where one man is at Liberty; and the rest bound, there that One hath government; which honour, he that understandeth not so much, demanding by the name simply of Liberty, thinketh it a great grievance and iniury to be denied it. For the second grievance concerning *Meum & Tuum*, it is also none, but in appearance only; it consisteth in this, That the Sovereign Power, taketh from him that which he used to enjoy, knowing no other propriety but use and custome. But without such Sovereign Power, the Right of men is not Proprietie to any thing, but a community, no better then to have no right at all, as hath been shewed, Part. I. Chap. I. Sect. 10. Proprietary therefore being derived from the Sovereign power, is not to be pretended against

the same, especially, when by it every subject hath his property against every other Subject, which when Sovereignty ceaseth, he hath not, because in that case they return to war amongst themselves. Those Levies therefore which are made upon mens estates, by the Sovereign Authority, are no more but the price of that Peace and Defense which the Sovereignty maintaineth for them. If this were not so, no Money nor forces for the Wars, nor any other publick occasion, could justly be levied in the World. For neither King, nor Democracy, nor Aristocracy, nor the Estates of any Land, could do it, if the Sovereignty could not. For in all those cases it is levied by virtue of the Sovereignty. Nay more, by the three Estates, here the Land of one man may be transferred to another, without Crime of his from whom it was taken, and without pretence of publick benefit, as hath been done; and this without injury, because done by the Sovereign Power. For the power whereby it is done, is no less then Sovereign, and cannot be greater. Therefore this Grievance for *Meum et Tuum* is not real, unless there be exacted then is necessary; but it seemeth a Grievance, because to them that either know not the Right of Sovereignty, or to whom that right belongeth, it seemeth an injury, and injury howsoever little the damage is alwaies grievous as putting us in mind

minde of our disability to help our selves, and into Envy of the Power to do us wrong.

3. Having spoken of the Inconveniences of the Subject, by Government in general, let us consider the same in the three several Sorts thereof, namely, Democracy, Aristocracy and Monarchy; whereof the two former are in effect but one. For (as I have shewed before) Democracy is but the Governement of a few Orators. The comparison therefore will be between Monarchy and Aristocracy: And to omit that the World as it was created, so also it is governed by One God Almighty; and that all the Ancients have preferred Monarchy before other Governments, both in opinion, because they saigned a Monarchial government amongst their Gods, and also by their custome; for that in the most ancient times all people were so governed; and that paternal Governement which is Monarchy, was instituted in the beginning from the Creation, & that other Governments have proceeded from the dissolution thereof, called by the Rebellious Nature of Mankind, and be but Picces of broken Monarchies cemented by Humane Wit, I will insist only on this comparison upon the inconvenies that may happen to the subjects, in consequence to each of these Governments.

4. And first, it seemeth inconvenient

there should be committed so great a Power to one Man, as that it might be lawful to no other man or men to resist the same; and som think it inconvenient *eo nomine*, because he hath the power. But this reason we may not by any means admit. For it maketh it inconvenient to be ruled by Almighty God, who without question hath more power over every man, then can be conferred upon any Monarch. This inconvenience therefore must be derived, not from the Power, but from the affections and passions which reign in every one, as well Monarch, as Subject, by which the Monarch may be swayd to use that Power amiss. And because an Aristocracy consisteth of men, if the passions of many men be more violent when they are assembled together, then the passions of one man alone, it will follow, that the Inconvenience arising from Passions will be greater in an *Aristocracy* then a *Monarchy*. But there is no doubt, when things are debated in great Assemblies, but every man delivering his opinion at large without interruption endeavourith to make whatsoeuer he is to set forth for Good, better; and what he would have apprehended as evill, worse, as much as is possible, to the end his Counsel may take place; which Counsel also is never without ayme at his own benefit, or honour; every mans end being some good to himself. Now this cannot be done without working

on the Passions of the rest. And thus the Passions of these that are singly moderate, are altogether vehement, even as a great many Coals, though but warm asunder, being put together, inflame one another.

5. Another Inconvenience of Monarchy, is this, That the Monarch, besides the Riches necessary for the Defence of the Common Wealth, may take so much more from the Subjects, as may enrich his Children, Kindred and Favourites, to what degree he pleaseth; which though it be indeed an Inconvenience, if he should so do, yet is the same both greater in an Aristocracy, and also more likely to come to pass. For there is not One only, but many have Children, Kindred, and Friends to raise. And in that point they are as twenty Monarchs for One, and likely to set forward one anothers Designs mutually, to the Oppression of all the rest. The same also happeneth in a Democracy, if they all do agree, otherwise they bring a worse Inconvenience, to wit, Sedition.

6. Another Inconvenience of Monarchy, is the Power of Dispensing with the Execution of Justice, whereby the Family and Friends of the Monarch may with impunity, commit outrages upon the People, or oppresse them with Extortion. But in Aristocracies, not only One, but many have Power of taking men out of the Hands of Justice, and

and no man is willing his Kindred or Friends should be punished according to their Demerits. And therefore they understand amongst themselves without further speaking, as a tacite Covenant, *Hodie mihi, cras tibi.*

7. Another Inconvenience of Monarchy, is the Power of altering Lawes. Concerning which, it is necessary that such a Power be, that Lawes may be altered, according as mens manners charg, or as the Coniuncturē of all Circumstances within and without the Common Wealth shall require; the change of Law being then Inconvenient, when it proceedeth from the Change, not of the occasion, but of the minds of him or them, by whose Authority the Laws are made. Now it is manifest enough of it self, that the mind of one man is not so variable in that point, as are the Decrees of an Assembly. For not only they have all their natural changes, but the change of any one man may be enough with leuarce and reputation, or by solicitation and faction, to make that Law to day, which another by the very same means shall abrogate to morrow.

8. Lastly, the greatest inconvenience that can happen to a Common Wealth, is the Aptitude to dissolve into civil War, and to this are Monarchies much less subject than any other Governments. For where

the

the Union or Band of a common Wealth is one Man, there is no distraction wherein Assemblies, those that are of different Opinions, and give different Counsel are apt to fall out amongst themselves, and to cross the designs of the Common Wealth for one anothers sake : and when they cannot have the honour of making good their owne devices, they yet seek the Honour to make the Counsels of the Adversaries prove vain. And in this contention, when the opposite Factions happen to be any thing equal in strength, they presently fall to war. Wherein necessity teacheth both sides, that an absolute Monarch, to wit, a General, is necessary both for their Defence against one another, and also for the Peace of each Faction within it self. But this Aptitude to Dissolution, is to be understood for an Inconvenience in such Aristocracies onely, where the Affairs of State are debated in great and numerous Assemblies, as they were anciently in *Athens*, and in *Rome*; and not in such as doe nothing else in great Assemblies, but choose Magistrates and Counsellours, and commit the handling of Stateaffaires to a Few; such as is the Aristocracy of *Venice* at this Day. For these are no more apt to dissolve from this occasion, then Monarchies, the Counsel of State being both in the one and the other alike.

## CHAP. VI.

1. A Difficulty concerning absolute subjection to man, arising from our absolute subjection to God Almighty, propounded.
2. That this Difficulty is only amongst those Christians that deny the Interpretation of Scripture, depend upon the Sovereign Authority of Common-Wealth.
3. That Humane Laws & Penalties are not made to govern the consciences of mankind, but their words and actions.
4. Places Scripture to prove Obedience due from Christians to their Sovereign in all things.
5. A distinction propounded between a Fundamental point of Faith, and a Superstitious.
6. An explication of the Points of Faith, to be fundamental.
7. The belief of those Fundamental points, is all that is required for salvation, as of Faith.
8. That other points, not Fundamental, are not necessary to salvation, as matter of Faith; and that no man is required by way of Faith to the salvation of one man, then to another.
9. That Supererrections are not points of the faith necessary to a Christian.
10. How faith and Justice concurre to salvation.
11. That in Christian Common-Wealths, Obedience to God & C

and man stand wel together. 12. This Tenet, whatsoever is against the conscience, is sin, interpreted 13. That all men do confess the necessity of submitting of coniroversies to some Humane Authority. 14. That Christians under an Infidel, are discharged of the Injustice of disobeying them, in that which concerneth the faith necessary to salvation, by non resifting.

Having shewed, that in all Commonwealths whatsoever, the necessity Law of Peace and Government requireth, that there be existent some Power, either in One man, or in One Assembly of men, by the Name of the Power Sovereign, to which it is not lawfull for any Member of the same Common-Wealth to disobey; There occurreth now a difficulty, which if it be not removed, maketh it unlawfull for a man to put himself under the Command of such Absolute Sovereignty, as is required thereto. And the difficulty is this; We have amongst us the Word of God for the Rule of our Actions: Now if we shall subiect our selves to men also, obliging our selves to do such Actions, as shall be by them commanded, when the Commands of God and Man shall differ, we are to obey God, rather then man; And consequently, the Covenant of general Obedience to man is unlawfull.

2. This

z. This difficulty hath not been of very great Antiquity in the World. There was no such *Dilemma* amongst the Jewes; for their Civil Law, and Divine Law, was one and the same Law of *Moses*; the Interpreters whereof were the Priests, whose Power was subordinate to the Power of the King, as was the Power of *Aaron* to the Power of *Moses*. Nor is it a controversie that was ever taken notice of amongst the *Grecians*, *Romanes*, or other Gentiles: for among these their severall Civill Lawes, were the Rules whereby not only Righteousnesse and Virtue, but also Religion, and the External Worship of God was ordered and approved: that being esteemed the true worship of God which was *κατὰ τὸν λόγον*, according to the Laws Civil. Also those Christians that dwell under the Temporal Dominion of the Bishop of *Rome*, are free from this Question; for that they allow unto him ( their Supreme Sovereign ) to interpret the Scriptures, which are the Law of God as he in his own Judgment shall think Right. This difficulty therefore remaineth amongst, and troubles those Christians only, to whom it is allowed to take for the sense of the Scripture, that which they make thereof, either by their own private Interpretation, or by the Interpretation of such as are not called unto by publick Authority; they that follow their own Interpretation continually demanding

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demanding Liberty of Conscience; and  
those that follow the Interpretation of O-  
thers not ordained thereunto by the Sov-  
eraign of the Common-Wealth, requiring a  
Power in matters of Religion, either above  
the Power Civil, or at least not dependiug  
on it.

3. To take away this scruple of Consci-  
ence, concerning Obedience to Humane  
Lawes, amongst those that interpret to  
themselves the Word of God in the Holy  
Scriptures, I propound to their Considerati-  
on, first, That no humane Law is intended  
to oblige the Conscience of a man, unlesse it  
break out into Action, either of the Tongue,  
or other part of the Body. The Law made  
thereupon would be of none effect, because  
no man is able to discern, but by Word or  
other action, whether such Law be kept or  
broken. Nor did the Apostles themselves  
pretend Dominion over mens Consciences  
concerning the faith they preached, but on-  
ly perswasion and instruction. And there-  
fore S. Paul saith, 2 Cor. 1. 24. writing to  
the Corinthians, concerning their controver-  
sies, that he and the rest of the Apostles had  
no Dominion over their Faith, but were  
helpers of their Joy.

4. And for the Actions of men which pro-  
ceed from their consciences, the regulating  
of which actions is the only Means of  
Peace, if they might not stand with Justice,

it were impossible that Justice towards God and Peace amongst men, should stand together in that Religion that teacheth us, that Justice and Peace should kiss each other, and which we have so many precepts of absolute Obedience to humane Authority; as Matt. 23. 2,3. we have this Precept. *The Scribes and Pharisees sit in Moses' seat; all therefore whatsoever they bid you observe that observe and do;* And yet were the Scribes and Pharisees ~~men~~ <sup>preists</sup>, but men of temporall Authority, Againe, Luke 11. 17. *Every Kingdome divided against it selfe shall be desolate;* and is not the Kingdome divided against it selfe, where actions of every one shall be ruled by private opinion or conscience, and yet those ~~actions~~ <sup>actions</sup> such as give occasion of offence in Breach of Peace. Again, Rom. 13. 5. *Whosoever you must be subject, not because of man only, but also for conscience sake,* Tit. 3. 1. *Put them in remembrance, that they be subject to Principalities and Powers,* 1. Pet. 2. 13. 14. *Submit your selves unto all manner of ordinance of Man, for the Lords sake, whether it be to the King, as unto the Superior, or unto Governmentours, as unto them that are sent of him for the punishment of evill doers.* Jude verse 8. *They that dreamers also that defile the flesh, and despise Government, and speake evill of them that are in Authority.* And forasmuch as all Subjects in Common Wealths are in the nature of Children and servants, that which is a command

God command to them is a command to all Subjects.  
I too. But to these S. Paul saith, Col<sup>oss</sup> 3. 20.  
Children obey your Parents in all things, Servants  
be obedient to your Masters according to  
the flesh in all things. And verse 23. Do it  
with meekness as to the Lord. These places consider-  
ing, it seemeth strange to me, that any  
man in a Christian common wealth, shoud  
have any occasion to deny his Obedience to  
the publick Authority, upon this ground, that  
it is better to obey God then Man. For though  
Peter and the Apostles did so answer the  
council of the Jews, that forbade them to  
preach Christ, there appeareth no reason  
why Christians should alledge the same a-  
gainst their Christian Governours, that  
command them to preach Christ. To reconcile  
this seeming contradiction of simple Obedience  
to God, and simple Obedience to man,  
we are to consider a Christian Subject, as under  
a Christian Sovereign, or under an Infi-

1. And under a Christian Sovereign we  
are to consider, what Actions we are forbidden  
by God Almighty to obey them in, and  
what not. The Actions we are forbidden to  
obey them in, are such only, as imply a de-  
niat that Faith which is necessary to our  
salvation; for otherwise there can be no  
difference betwixt Obedience; for why should a  
man incur the danger of a temporal death,  
by displeasing of his superior, if it were not  
for

for fear of eternal Death hereafter. It may therefore be inquired, what those propositions and Articles be; the Belief whereof the Saviour or his Apostles have declared, such as without believ-ing them a man may not be saved; and then all other points are now controverted and made distinct of Sects, Papists, Lutheran, Calvinist, Minians &c. as in old Time, the like Paulists, Apollonians, and Cephaians, needs be such, as man needeth not for holding thereof, deny Obedience to his perious. And for the points of Faith necessary to Salvation, I shall call them Fundamental, and every other point a Substitution. And without all controversie, there is not any more necessary Point to be believed for mans salvation then this, That Jesus the Messiah, that is, the Christ; which Proposition is explicated in fundry sorts, but the same in effect; as that he is Gods anointed, for that is signified by the word Christ, that He was the true and lawful King of Israel, The Son of David, the Saviour of the World, The Redeemer of Israel, The Salvation of the world, He that should come into the world, the Son of God, and (which I desire by the way to have noted, against the now Sect of Arians) The begotten Son of God, Act. 3.13. Heb.5.5. The only begotten Son of God, 1 Joh. 1.14. 18. Joh. 3.16, 18. 1 Joh. 4.9. That he was God Joh.

Joh. 20. 28. That the *Fulness of the God-*  
*and dwelt in him bodily. Moreover, The*  
*one, the Holy one of God, The Forgiver*  
*of sins, That he is risen from the Dead. These*  
*Explications, and Parts of that General*  
*Article, that Jesus is the Christ. This Point*  
*therefore, and all the Explications thereof*  
*Fundamental; as also all such, as be evi-*  
*bly inferred from thence: as, Belief in*  
*the Father. Joh. 12. 44. He that believeth*  
*in me, believeth not in me, but in him that sent*  
me: 1 Joh. 2. 23, He that denyeth the Son, bath

the Father, Beliet in God the Holy

Ghost, of whom Christ saith, Joh. 14. 26. But

Comforter which is the Holy Ghost, whons

Father will send in my Name. And Joh.

14. 16. But when the comforter shall come

I will send unto you from the Father,

the Spirit of truth. Beleife of the scrip-

tures, by which we beleieve those points,

and of the immortality of the Soul, without

which we cannot beleieve that he is a Savi-

7. And as these are the fundamentall  
points of faith necessary to salvation, so al-  
so they only necessary as matter of faith  
also essential to the calling of a chri-  
stian; as may appear by many evident places  
in the Holy Scripture: Joh. 5. 39. Search the  
scriptures, for in them you think to have eternal  
life; and they are they which testifie of me. Now,  
strang as by the Scripture, is meant there  
the

the Old Testament ( the New being then  
not written ) the beleife of that which  
was written concerning our Saviour in the  
Testament, was sufficient beleife for the  
attaining of Eternal Life : but in the old Te-  
stament there is nothing revealed con-  
cerning Christ, but that he is the Messiah,  
such things as belong to the Funda-  
mental Points therupon depending. And there-  
fore those fundamental Points are sufficient  
to salvation as of Faith. And Joh. 6. 28. Then  
they sayd unto him, what shall we do, in  
we might work the works of God ? Jesus  
answered and said unto them, this is the minis-  
try of God, that ye beleieve in him, whom he hath sent. So that the Point to be beleived is, That Jesus Christ came forth from God, and he who  
believeth it, worketh the works of God. Joh. 3.  
26. 27. Whosoever liveth and believeth in me  
shall never dye. Belieuest thou this ? She sa-  
yth unto him, yea Lord, I beleieve that thou art  
Christ the Son of God, which should come into  
the world. Hence followeth, He that belie-  
veth this shall never dye. Joh. 30. 31. These  
things are written that ye might know  
that Jesus is the Christ, the Son of God,  
that in believing, ye might have life through  
his Name. By which appeareth, that this Fun-  
damental Point is all that is required, and  
Faith to our Salvation. 1 Joh. 4. 2. Every  
spirit that confesseth that Jesus Christ is come  
into the flesh is of God : 1 Joh. 5. 1. Whoso-

ver believeth that Jesus is the Christ is born of God, and ver. 5. Who is it that overcometh the world, but he that believeth that Jesus is the Son of God: and vers. 13. These things have I written unto you that believe in the Name of the Son of God, that ye may know that ye have eternall life. Act. 8. 36. 37. The Eunuch said, Here is water, what doth let me to be baptiz'd? And Philip said unto him, if thou believest with thy heart, thou mayst. He answered and sayd, I believe that Jesus Christ is the Son of God. This point therefore was sufficient for the reception of Man into Baptisme, that is to say, to Christianity. And Act. 16. 30. The keeper of the Prison, fell down before Paul and Silas, and said, Sirs, what shall I do to be saved? And they sayd, believe in the Lord Jesus Christ. And the Sermon of S. Peter upon the day of Pentecost, was nothing else but an explication, that Jesus was the Christ. And when they had heard him, asked him, what shall we do, he said unto them, Ac. 2. 38. Amend your lives, and be baptiz'd every one of you in the name of Jesus Christ for the Remission of sins. Rom. 10. 9. If thou shalt confess with thy mouth that he is Lord Jesus, and shalt believe in thy heart, that God raised him up from the Dead, thou shalt be saved. To these places may be added, that wheresoever our Savior Christ doth approve the Faith of any man, the Proposition believ'd (if the same to be collected out of the Text) is alway some of those

those Fundamentall Points before mentioned, or something Equivalent : as the Faith of the Centurion, Mat. 8. 8. *Speake the word only, and my Servant shall be healed,* believing he was omnipotent : The Faith of the Woman, which had an Issue of Blood, Math. 21. *If I may but touch the Hem of his Garment,* implying, he was the Messiah, The Faith required of the blind men, Mar. 9. 22. *Believe you that I am able to do this?* The Faith of the Canaanitish Woman, Matth. 15. 22. That he wasthe Son of David, implying the same. And so it is in every one of those places (none excepted) where our Saviour commendeth any mans Faith, which because they are too many to insert here, I omit, and refer them to his Inquisition that is otherwise satisfied. And as there is no other preaching: for the Prophets of the Old Testament, preached no other, and John the Baptist preached only the Approach of the Kingdom of Heaven, that is to say, of the Kingdom of Christ, the same was the commission of the Apostles, Mar. 10. 7. *Go preacheing, the kingdom of Heaven is at hand.* As Paul preaching amongst the Jews, Act. 18. did but testifie unto the Jews that, *Jesus was the Christ.* And the Heathens took notice of Christians no otherwise, but by this name that they beleaved Jesus to be a King, crying out. Act. 17. 6. *These are they that have spea-*

verted the state of the world, and here they are, whom Jason hath received. And these all doe against the Decrees of Caesar, saying, that there is another King, One Jesus. And this was the Sum of the Predictions, the Sum of the Confessions of them that beleeved, as well as Devils. This was the Title of his Cross, *Jesus of Nazareth, King of the Jewes;* This the occasion of the Crowne of Thorns, The Scepter of Reed, and a man to carry his Crosse; This was the Subiect of the Hosanna; And this was the Title, by which our Saviour commanding to take another mans goods, bad them say, *The Lord hath need:* And by this Title, he purged the Temple of it, and the profane market kept there. Nor did the Apostles themselves believe any more, other then that *Jesus was the Messiah,* nor understand so much; for they understood the Messiah to be no more then a Temporall King, till after our Saviours Resurrection. Furthermore, this Point, that *Christ is the Messiah,* is particularly set forth for Fundamental by that word, or some other equivalent thereunto in divers places. Upon the Confession of Peter, Matth. 16. 16. *Thou art the Christ, the Son of the living God,* Our Saviour ver. 18. *faith, upon this Rock will I build my Church.* This point therefore is the whole Foundation of Christs Church. Rom. 15. 20. S. Paul saith, *I so inforsed my self to preach the Gospel, not where Christ was named,*

*lest I should have built upon another mans foundation,* 1 Cor. 3.10. S. Paul when he had reprehended the *Corinthians* for their *Sects, & curious Doctrines and Questions*, he distinguisheth between *Fundamental Points, and Superstructure*; and saith, *I have laid the Foundation, and another buildeth thereupon, but let every man take heed how he buildeth upon it, For other Foundation can no man lay, then that which is laid, which is Jesus Christ.* Colos. 2. 6. *As you have received Christ Jesus the Lord, so walk in him, rooted and builded in him, and stablished in the Faith.*

8. Having shewed this Proposition, *Jesus is the Christ*, to be the only Fundamental and necessary point of Faith, I shal set down a few places more, to shew, that Other Points, though they may be true, are not necessary to be believed, as that a man may not be saved, though he believe them not. And first, If a man could not be saved without assent of the Heart to the truth of all Controversies, which are now in agitation concerning Religion, I cannot see, how any man living can be saved; so full of subtlety, and curious knowledge it is to be so great Divine. Why therefore should a man think that our Saviour, who, Mat. 11.30. saith, that His *yoke is easie*, should require a matter of that difficulty? or how are little Children said to believe. Mat. 18.6. or how could the good Thief be thought sufficiently catechized

ed upon the Crosse ? or S. Paul so perfect a Christian presently upon his Conversion ? and though there may be more Obedience required in him that hath the Fundamental points explicated unto him, then in him that hath received the same but implicitly ; yet there is no more faith required for salvation in one man, then in another. For if it be true, that *Whosoever shall confess with his mouth the Lord Jesus, and believe in his heart, that God raised him from the Dead, shall be saved*; as it is, Rom. x. 9. and that *Whosoever believeth that Jesus is the Christ, is born of God*, the Belief of that point is sufficient for the salvation of any man whatsoever he be, for as much as concerneth Faith. And seeing he that believeth not that *Jesus is the Christ*, whatsoever he believe else, cannot be saved, it followeth, that there is no more required to the salvation of one man, then another, in matter of Faith.

9. About these points Fundamental, there is little Controversie amongst Christians, though otherwise of different Sects amongst themselves. And therefore the Controversies of Religion, are altogether about Points unnecessary to salvation ; whereof some are Doctrines raised by Humane Ratiocination, from the points *Fundamentall*. As for Example ; such Doctrines as concern the Manner of the Real Presence, wherein are mingled tenets of Faith concerning the Omnipotency

tency & Divinity of Christ, with the Tenets of Aristotle and the Peripateticks, concerning Substance and Accidents, Species, Hypostasis, and the Subsistence and Migration of Accidents from place to place ; Words some of them without meaning, and nothing but the Canting of Grecian Sophisters. And these Doctrines are condemned expressly, Col. 2. 8. where after S. Paul had exhorted them to be rooted and builded in Christ, he giveth them this farther Caveat ; Beware lest there be any man that spoil you through Philosophy and vaine deceits, through the Traditions of men, according to the rudiments of the World. And such are such Doctrines, as are raised out of such places of the Scriptures, as concern not the Foundation, by mens natural Reason ; as about the Concatenation of Causes, and the Manner of Gods Predestination ; which are also mingled with Philosophy : as if it were possible for men that know not in what manner God seeth, heareth, or speaketh, to know nevertheless the manner how he intendeth, and predestinateth. A man therefore ought not to examin by Reason any point, or draw any Consequence out of Scripture, by Reason, concerning the nature of God Almighty, of which Reason is not capable. And therefore S. Paul, Rom. 12. 3. giveth a good Rule, That no man presume to understand above that which is meet to understand, but that he understand according to Sobriety, which they

they doe not, who presume out of Scripture, by their own Interpretation, to raise any Doctrine to the Understanding, concerning those things, which are incomprehensible. And this whole controversie concerning the Predestination of God, and the Free Wil of Man, is not peculiar to Christian men. For we have huge volumes of this subiect, under the name of *Fate & Contingency*, disputed between the *Epicurians* and the *Stoicks*, and consequently it is not matter of Faith, but of Philosophy: and so are also all the Questions concerning any other Point, but the Foundation before named: and God receiveth a man which part of the Question soever he holdeth. It was a Controversie in S. Pauls time, whether a Christian Gentile might eate freely of any thing which the Christian Jews did not: and the Jew condemned the Gentile that he did eat, to whom S. Paul saith, Rom. 14. 3, *Let not him that eateth not, judge him that eateith: for God hath received him.* And vers. 6. in the Question concerning the observing of Holy Dayes, wherein the Gentiles the Jewes differed, he saith unto them, *He that observeth the Day, observeth it to the Lord, and he that observeth not the Day, observeth it not to the Lord.* And they who strive concerning such Questions, and divide themselves into Sects, are not therefore to be accounted zealous of the Faith, their strife being but carnal, which is

confirmed by S. Paul, 1 Cor. 3. 4. When we  
 saith, I am of Paul, and another, I am of Ap-  
 los, are ye not carnal? For they are not Que-  
 stions of Faith, but of wit, wherein carnally  
 men are inclined to seek the Mastery one  
 another. For nothing is truly a Point  
 of Faith, but that Jesus is the Christ; as S. P.  
 testifieth, 1 Cor. 2. 2. For I esteemed not  
 knowledge of any thing amongst you, save Je-  
 sus Christ, and him crucified. And 1 Tim. 6. 20  
 Timotheus, keep that which is committed  
 to thee, and avoid profane and vain bablings,  
 Opposition of Science falsely so called,  
 while some profess, they have erred concern-  
 ing the Faith. 2 Tim. 2. 16. Stay profane  
 and vain babblings, &c. vers. 17. Of which som  
 Hymeneus and Philetus, which as concerning  
 the truth, have erred, saying, that the Re-  
 surrection is past already. Whereby S. Paul shew-  
 ed, that the Raising of Questions by Hu-  
 mane Ratiocination, though it be from the  
 Fundamental Points themselves, is not al-  
 ways necessary, but most dangerous in  
 the Faith of a Christian. Out of all the  
 places, I draw only this Conclusion in  
 general, That neither the points now in Con-  
 troversie amongst Christians of differ-  
 ent Sects, or in any point that ever shall be in  
 Controversie, excepting only those that are  
 contained in this Article, Jesus is the Christ  
 are necessary to salvation, as of faith; though

in matter of obedience, a man may be bound not to oppose the same.

15. Although to the obtaining of Salvation, there be required no more, as hath been already declared out of the Holy Scriptures, as matter of Faith, but the Belief of those Fundamental Articles before set forth, nevertheless, there are required other things, as matter of obedience. For as it is not enough in Temporal Kingdoms (to avoid the punishment which Kings may inflict) to acknowledge the Right and Title of the King, without Obedience also to his Laws; so also it is not enough, to acknowledge our Saviour Christ to be the King of Heaven, in which consisteth Christian Faith, unless also we endeavour to obey his Lawes, which are the Lawes of the Kingdome of Heaven, in which consisteth Christian Obedience. And forasmuch as the Laws of the Kingdome of Heaven, are the Laws of Nature, as hath been shewed, Part. 1. Chap. 5. not only Faith, but also the Observation of the Law of Nature, which is that for which a man is called Just or Righteous, (in that sense, in which Justice is taken not for the Absence of Guilt, but for the Endeavor and constant Will to do that which is Just) nor only Faith, but this Justice, which also from the effect thereof, is called Repentance, and sometimes Works, is necessary to salvation. So that Faith and Justice do both con-

cur thereto ; and in the several acceptation of this word Justification, are properly said both of them to justify ; and the want of either of them is properly said to condemn. For not only he that resisteth a King upon doubt of his Title, but also he that doth upon the inordinatenesse of his Passions, deserveth punishment. And when Faith and Works are separated, not only the Faith is called Dead without Works, but also Works are called Dead Works without Faith, And therefore S. James, Chap. 2. 17. saith, *Even so the Faith, if it have no works, is dead in it self,* and vers. 26. *For as the Body without the Spirit is dead, even so Faith without works is dead.* And S. Paul, Heb. 6. 1. calleth Works without Faith, Dead Works, where he saith; *Not laying again the Foundation of Repentance from Dead Works,* And by these Dead Works, is understood not the Obedience and Justice of the inward Man, but the *opus operatum*, or external Action, proceeding from fear of punishment, or from vain glory, and desire to be honoured of men : and these may be separated from Faith, and conduce no way to a Mans Justification. And for that cause, S. Paul, Rom. 4. excludeth the Righteousness of the Law, from having part in the Justification of a sinner. For by the Law of Moses, which is applyed to mens Actions, and requireth the Absence of Guilt, all men living are liable

to Damnation, and therefore no man is iustified by Works, but by Faith only. But if Workes be taken for the endeavour to doe them, that is, if the Will be taken for the Deed; or Internal, for External Righteousness, then doe works contribute to Salvation. And then taketh place that of S. James, Chap. 2. 24. *Ye see then how that of works a man is iustified, and not of faith only.* And both of these are ioyned to salvation, as in S. Mark. 1. 5. *Repent and believe the Gospel.* And Luk. 18. 18. when a certain Ruler asked our Saviour, what he ought to doe to inherit eternal life, he propounded to him the keeping of the Commandements; which when the Ruler said he had kept, he propounded to him the Faith, *Sell all that thou hast, and follow me.* And Jch. 3. 36. *He that believeth in the Son, hath everlasting life.* And *He that obeyeth not the Son, shall not see life.* Where he manifestly ioyneth Obedience and Faith together. And Rom 1. 17. *The Just shall live by Faith:* not every one, but *the Just.* For alio the Devils beleeve and tremble. But though both Faith and Justice (meaning still by Justice, not absence of Guilt, but the Good Intentions of the Mind, which is called Righteousness by God, that taketh the Will for the Deed) be both of them said to iustifie, yet are their Parts in the Act of Justification to be distinguished. For Justice is said to iustifie, not

because it absolveth, but because it denomi-  
nates him Just, and setteth him in an estate,  
or capacity of salvation, whensoever he shal  
have Faith. But faith is said to justify, that  
is, to absolve, because by it a iust man is ab-  
solved of, and forgiven his uniuers Actions.  
And thus are reconciled the places of  
S. Paul, and S. James, that *Faith only justifi-  
eth*, and *A man is iustified by Faith onely*:  
and shewed how Faith and Repentance must  
concur to salvation.

11. These things considered, it will eas-  
ily appear, That under the Sovereign pow-  
er of a Christian Common VVealth, there is  
no Danger of Damnation from simple Obe-  
dience to Humane Lawes: for in that the  
Sovereign alloweth Christianity, no man  
is compelled to renounce that Faith, which  
is enough for his Salvation, that is to say,  
the Fundamental Points. And for other  
Points, seeing they are not necessary to sal-  
vation, if we conform our Actions to the  
Lawes, we do not only what we are allow-  
ed, but also what we are commanded by the  
Law of Nature, which is the morall Law  
taught by our Saviour Himself. And it is  
part of that Obedience, which must concur  
to our Salvation.

12. And though it be true, whatsoever a  
man doth against his Conscience, is sin, yet  
the Obedience in these Cases is neither sin,  
nor against the Conscience. For the Con-  
science

science being nothing else but a Mans settled judgement and Opinion, when he hath once transferred his Right of Judging to another, that which shall be commanded, is no lesse his Judgement, then the Judgement of that other. So that in Obedience to Lawes, a man doth still according to his owne Conscience, but not his private Conscience. And whatsoever is done contrary to private Conscience, is then a Sin, when the Lawes have left him to his own liberty, and never else. And then whatsoever a man doth, not only believing it is ill done, but doubting whether it be ill or not, is done ill, in case he may lawfully omit the doing.

13. And as it hath been proved, that a man must submit his Opinions in matter of Controversie to the Authority of the Common Wealth, so also is the same confess by the practice of every one of them that otherwise deny it. For who is there differing in Opinion from another, and thinking himself to be in the right, and the other in the wrong, that would not think it reasonable, if he be of the same Opinion that the whole State alloweth, that the other should submit his opinion also thereunto; or that would not be content, if not that one or a few men, yet all the Divines of a whole Nation, or at least an Assembly of all those he liketh, should have the Power to determine all the Controversies of Religion? or, who

is there that would not bee con-  
tent, to submit his Opinions ei-  
ther to the Pope, or to a Gene-  
nerall Council, or to a Provinci-  
al Council, or to a Presbyterie  
of his owne Nation? And yet  
in all these Cases hee submitteth  
himselfe to no greater then Hu-  
mane Authoritie.

Nor can a man bee said to  
submit himselfe to Holy Scrip-  
ture, that doth not submit him-  
selfe to some or other for  
the Interpretation thereof. Or,  
why should there bee any Church  
Government at all instituted, if  
the Scripture it selfe could doe  
the Office of a Judge in Contro-  
versies of Faith? But the Truth  
is apparent, by continuall Experi-  
ence, that men seeke not onely  
Liberty of Conscience, but of  
their Actions, nor that onely,  
but a farther Liberty of perswa-  
ding

conduing others to their Opinions ;  
nor that onely , for every  
man desireth that the Soveraign  
Authoritie , should admit no o-  
ther Opinions to bee main-  
tained, but such as hee himselfe  
holdeth.

Hu-

14. The difficulty therefore of  
obeying both God and Man in a  
Christian Common Wealth is  
none : All the difficulty resteth  
in this Point , Whether hee that  
hath received the Faith of Christ,  
having before subiected him-  
selfe to the Authoritie of an In-  
fidell , bee discharged of his Obe-  
dience thereby, or not, in mat-  
ters of Religion.

In which case it seemeth rea-  
sonable to thinke , that since all  
Covenants of Obedience are  
entred into for the preservati-  
on

preservation of a mans life, if a man be content without Resistance to lay down his life, rather then obey the commands of an Infidel, in so hard a Case he hath sufficiently discharged himself thereof. For no Covenant bindeth farther then to endeavour; and if a man cannot assure himself to perform a just Duty, when thereby he is assured of present Death, much less it can be expected, that a man should perform that, for which he believeth in his heart he shall be damned eternally. And thus much concerning the Scruple of Conscience, that may arise concerning Obedience to Humane Lawes, in them that interpret the Law of God to themselves. It remaineth, to remove the same scruple from them, that submit their controversies to others not ordained thereunto by the Sovereign Authority. And this I refer to the Chapter following.

## CHAP. VII.

1. The Questions propounded, who are the Magistrates in the Kingdom of Christ. 2. The Questions exemplified, in the Controversies between Moses and Aaron, and between Moses and Corah. 3. Amongst the Jews, the Power Temporal and Spiritual in the same Hand. 4. Parallel of the Twelve Princes of Israel, and the twelve Apostles. 5. Parallel of Seventy Elders, and Seventy Disciples. 6. The Hierarchy of the Church in our Saviours time, consisted in the Twelve, and in the Seventy. 7. Why Christ ordained not Priests for Sacrifices, as Moses did. 8. The Hierarchy of the Church in the Apostles time, Apostles, Bishops, and Priests. 9. The Preaching of the Gospel, was not commanding,

ing, but perswading. 10. Excommunication. Soveraignes immediate Rulers Ecclesiasticall under Christ. 11. That no man hath any just Pretence of Religion against Obedience to Common-VVealth. God speaketh to Man by his Vicegerents.

IN the former Chapter have been removed those difficulties opposing our Obedience to Humane Authority; which arise from misunderstanding of our Saviours Title, and Lawes: in the former whereof, namely, his Title, consisteth our Faith; and in the latter, our Justice. Now they who differ not amongst themselves concerning his Title, and Lawes, may nevertheless have different opinions concerning his Magistrates, and the Authority he hath given them. And this is the cause, why many Christians have denied Obedience to the Princes, pretending that our Saviour Christ hath not given this Magistracy to them but to others. As for example, some say, to the Pope universally; some to a Synod Aristocratical; Some, to a Synod Democraticall in every several Common VVealth; and the Magistrates of Christ being they by whom he speaketh, the Question is, Whether he

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speak unto us by the Pope, or by Convocations of Bishops and Ministers, or by Them that have the Soveraign Power in every Common-Wealth.

2. This Controversie was the cause of those two Mutinies, that happned against Moses in the Wilderness. The first by Aaron and his Sister Miriam, whotook upon them to censure Moses for marrying an Ethiopian woman. And the state of the Question between them and Moses, they set forth, Numb. 12. 2. in these words, *VVhat hath the Lord spoken but only by Moses? hath he not spoken also by us?* and the Lord heard this, &c. and punished the same in Miriam, forgiving Aaron upon his Repentance. And this is the case of all them that set up the Priest-hood against the Sovereignty. The other was of Corah, Dathan, and Abiram, who with two hundred and fifty Captains gathered themselves together against Moses, and against Aaron. The state of their Controversie was this, Whether God were not with the Multitude, as well as with Moses, and every man as holy as he. For Numb. 16. 3. thus they say, *You take too much upon you, seeing all the Congregation is holy, every one of them, and the Lord is amongst them: wherefore then lift ye your selves above the Congregation of the Lord?* And this is the case of them that set up their private Consciences, and unite themselves to take the Government of Religion

Religion out of the hands of Him or Them, that have the Sovereign Power of the Common Wealth: which how well it pleaseth God, may appear by the hideous punishment of Corab and his Complices.

3. In the Government therefore of Moses, there was no power neither Civil, nor Spiritual, that was not derived from him. Not in the State of Israel under Kings, was there any Earthly Power by which those Kings were compellable to any thing, or any Subject allowed to resist them in any case whatsoever. For though the Prophets by extraordinary calling, did often admonish and threaten them, yet they had no Authority over them. And therefore amongst the Jews, the power Spirituall and Temporall, was alwayes in the same Hand,

4. Our Saviour Christ, as he was the rightful King of the Jewes in particular, as well as King of the Kingdome of Heaven in the ordaining of Magistrates, received that form of Policy, which was used by Moses. According to the number of the Children of Jacob, Moses tooke unto him by the appointment of God, Numb. 1. 4. twelve men, every one of the chief of their Tribe, which were to assist him in the Muster of Israel. And these twelve, vers. 24. are called the Princes of Israel, Twelve men, every one for the house of their Fathers, which are said also, Numb. 7. 2. To be heads over the Houses of

Them, of their Fathers and Princes of the Tribes, and  
Com- over them that were numbred. And these  
caseth were every one equall amongst themselves,  
hment In like manner our Saviour tooke unto him  
of M. Twelve Apostles to be next unto him in Au-  
L. 1. thority, of whom he saith, Matth. 19. 28.  
n him, when the Son of Man shall sit in the Throne of  
s, was his Majesty, ye shall follow me in the Regenera-  
tho- tion, shall sit also upon Twelve Thrones, and  
g, or judge the Twelve Tribes of Israel. And con-  
cerning the equality of the Twelve Ap-  
on any stles amongst themselves, our Saviour saith,  
ophens Matth. 20. 25. Ye know that the Lords of the  
onish Gentiles have Domination over them, &c. vers.  
utho- 16. But it shall not be so amongst you; but who-  
st the sever will be greatest among you, let him be  
orall, your servant. And Matth. 23. 11. He that is  
greatest among you, let him be your Servant,  
s the And a little before, vers. 8. Be not called  
r, 2. Rabbi, for one is your Doctor, Christ, and all  
aven, ye are Brethren. And Act. 1. in the chusing  
cives of Matthias to be an Apostle, though S. Pe-  
Chil- ter used the part of a Prolocutor, yet did no  
elv man take upon him the Authority of Elec-  
rite, tion, but referred the same to Lot.

Again Moses had the command of God,  
Num. 11. 16. Gather to me seventy men of the  
Elders of Israel, whom thou knowest that they  
are the Elders of the People, and Governors over  
them, and bring them unto the Tabernacle, &c.  
And Moses did accordingly, vers. 24. And  
these were chosen to help Moses in bearing  
the

the burthen of the Government, as appear-  
eth vers. 17. of the same Chapter. And  
as the Twelve Princes of the Tribes were ac-  
cording to the number of Jacobs Children,  
so were the leventy Elders according to the  
number of the persons that went down with  
*Jacob* into Egypt. In like manner ouer  
viour in his Kingdome of Heaven, the  
Church, out of the whole number of those  
that believed in him, ordained seventy Pe-  
sons, which peculiarly were called the sev-  
enty Disciples, to whom he gave power  
to preach the Gospel and Baptize.

6. In our Saviours time therefore, the  
Hierarchy of the Church consisted (besides  
Himself that was the Head) of Twelve Apo-  
stles, who were equal amongst themselves,  
but ordained over others, as were the twelve  
Heads of the Tribes, or leventy Disciples  
who had every one of them power to Baptize  
and Teach, and help to govern the whole  
Flock.

7. And whereas in the Common Wealth  
instituted by Moses, there was not only an  
High Priest for the present, but also a Suc-  
cession and Order of Priest; it may be de-  
manded Why our Saviour Christ did not or-  
dain the like? To which may be answered,  
That the High Priesthood, for as much as  
concerneth the Authority thereof, was in  
the Person of Christ, as he was Christ, that  
is, King. So also was it in Moses, Aaron  
having

part 2. having the Ministerial part only. For notwithstanding that Aaron was the High Priest, And yet the consecration of him belonged to Moses Exod. 29. 1. All the Utensils of sacrifice, and other holy Things, were ordered by Moses, and in sum, the whole Leviathanical Law was delivered by God, by the hand of Moses, who was to Aaron a God; and he gave Aaron to him a Mouth. And for the Ministerial part, there could no High Priest be ordained but himself; for seeing our Saviour even was himself the Sacrifice, who but himself would offer him up? And for the celebration of that sacrifice for ever after, our Saviour annexed the Priest-hood to those whom he had appointed to govern in the Church.

After the ascension of our Saviour, the Apostles dispersed themselves for the spreading of the Gospel, and continually as they converted any number of men, in any city, region, to the Faith; they chose out such as they thought fittest to direct them in matter of conversation and life, according to Christ's law, and to explicate unto them, that Mysterie of Christ come in the flesh, that is to say, to unfold unto them at large the office of the Messiah. And of those Elders some were subordinate to others, according as the Apostles who ordained them, thought meet: so Paul gave power unto Titus, to ordain Elders in Crete, & to redress things that were amiss. So that Titus was an Elder & ordained Elders

Elders. Tit. 1. 5. For this cause I left thee in Crete, that thou shouldest continue to redress the things that remain, & ordain Elders in every city, where the word is *κατασην* that is constitute; whereby it appeareth, that in the apostles times, one Elder had authority over another, to ordain and rule them. For, 1 Tim. 5. 16. Timothy an Elder, is made iudg of accusations against other Elders. And Act. 14. 23. The Disciples are said to ordain Elders, for all the congregations of the cities, they had preached in. And though the word *χειροτονία*, yet it signifieth not election, by holding up of hands, but simply and absolutely Ordination. For the ordinary chusing of Magistrates amongst the Grecians, which were all either popularly governed, or else by *Oligarchy*, being performed by holding up of hands, made the word be taken simply, for an Election, or Ordination, howsoever made. And thus in the Primitive Church, the Hierarchy of the Church was Apostles, Elders that governed other Elders, and Elders that ruled not, because their office was to preach, to administer Sacraments, to offer up prayers and thanksgiving in the name of the People. But at that time there appeared no distinction between the names of Bishop and Elder. But *Sept.* immediatly after the Apostles time, the word *Bishop* was taken to signifie such an Elder as had the government of Elders; and other Elders.

be in Elders, were called by the name of Priests, which signifierh the same that Elder doth. And thus the Government of Bishops hath Divine pattern in the twelve Rulers, and twenty Elders of *Israel*, in the twelve Apostles, and seventy Disciples of our Saviour, in the ruling Elders, and not Ruling-Elders in the time of the Apostles.

¶ 9. And thus much of the Magistrates over Christ's Flock in the primitive Church. For they the office of a Minister, or Mistress was to word subiect to the Flock, and to serve them in those things which appertained to their temporal busines. The next thing to be considered is the Authority which our Saviour gave to them, either over those whom they had converted, or those whom they were about to convert. And for these latter, which yet were without the Church, the authority which our Saviour gave to his Apostles was no more but this, To preach unto them that Jesus was the Christ, and to explicate the same in all points, that concern the Kingdom of Heaven, and to perswade men to embrace our Saviours Doctrine, but by no means to compel any man to be subiect to them: for seeing the Lawes of the Kingdom of Heaven, as hath been shewed, *Par. I. chap. B. Sect. 10.* are dictated to the conscience wholly, which is not subiect to compulsion and constraint, it was not congruent to the style

style of the King of Heaven to constrain men to submit their actions to him, but to advise them only ; nor for him that professeleth the Sum of his law to be love, to extort any duty from us with feare of temporall punishment. And therefore as the mighty incaine the world, that hold others in subiection by force, are called in Scripture by the name of hunters, so our Saviour calleth those whom he appointed to draw the world unto him by subduing their affections, *Fishers*. And therefore he saith to Peter and Andrew Math 4. 19. *Follow me and I will make you fishers of men*. And Luke 10. 3. Behold (saith Christ) *I send yee forth as Lambs amongst wolves*. And it were to no end to give them the right of compelling without strengthing the same with greater power than of *Lambs amongst wolves*. Moreover Math 10. where our Saviour giveth a commission to his twelve Apostles. to go forth and convert the Nations to the Faith, he giveth them no authority of Coercion and punishment, but only faith, vers. 14. *Whosoever shall not receive you, nor hear your words, wher ye depart out of that house or that City, shake the dust of your feet*. It shall be easier for the *City of Sodome and Gomorrah in the day of Judgement* then for that city. Whereby it is manifest, that all that the Apostles could do by their authority, was no more than to renounce communion with them, and leave them.

in men their punishment to God Almighty, in the  
advised day of Judgement. Likewise the compari-  
sons of the Kingdom of Heaven, to the seed  
*Math 13. 3.* and to the Leven, *Math 13. 33.*  
dorh intimate unto us, that the increase  
thereof ought to proceed from internall ope-  
ration of Gods Word preached, and not  
from any Law or compulsion of them that  
preach it. Moreover our Saviour himselfe  
saith *Job. 18. 36.* That his Kingdome is not of  
this World, and consequently his Magistrates  
derive not from him any authority of pun-  
ishing men in this World. And therefore  
*also Math 26. 52.* After S. Peter had drawn  
his sword in his defence, our Saviour saith,  
Put up thy sword into his place. For all that  
take the sword, shall perish by the sword. And  
vers. 54. How then shal the Scriptures be ful-  
filled, which say, that it must be so? shewing  
out of the Scriptures, that the Kingdome of  
Christ was not to be defended by the  
sword.

10. But concerning the authority of the  
Apostles or Bishops over those who were all-  
ready converted and within the Church,  
there be that think it greater then over them  
without. For some have said. Though the  
Law of Christ deprive no Prince of his Domini-  
n, and Paul did rightly appeal unto Cesar,  
whilst Kings were infidells and out of the  
Church, yet when they became Christians, and of  
their own accord underwent the Lawes of the

Gospel, presently as sheep to a shepherd, and as his  
Members to the Head, they became subjects  
the Prelate of the Ecclesiastical Hierarchy. But  
Lib. De Rom. Pont. Chap. 29. which whether it be true or not, is to be considered by us  
that light which we have from the holy  
Scripture, concerning the power of our Saviour  
and his Apostles, over such as they had  
converted. But our Saviour, as he imitated  
the common-wealth of the Jewes in his Ministry  
gistrates, the twelve and the seventy, so did  
he also in the Censure of the Church, which  
was *Excommunication*; but amongst the Jewes  
the Church did put the Excommunicated  
persons from the Congregation, which they  
might do by their Power Temporall; but  
our Saviour and his Apostles, who took up  
on them no such Power, could not forbid the  
Excommunicated person to enter into any  
place and Congregation, into which he was  
permitted to enter, by the Prince, or Sov  
raign of the place. For that had been to de  
prive the Sovereign of his Authority. And  
therefore the Excommunication of a Person  
subject to an Earthly power, was but a Decla  
ration of the Church, which did excommu  
nicate, that the person so excommunicated  
was to be reputed still as an Infidell, but not  
to be driven by their Authority out of an  
company, he might otherwise lawfully com  
into. And this is it our Saviour saith  
Math. 18. 17. If he refuse to bear the Church

nd of him be unto thee as an heathen man and a  
B. el publican. So that the whol effect of ex-  
communicating a Christian Prince, is no  
whilom then he or they that so excommunicate  
ed him depart and banish themselves out of his  
holy ministracion. Nor can they thereupon dis-  
charge any of his subjects of their obedience  
to him; for that were to deprive him of his  
ministracion; which they may not do, for be-  
ing out of the Church. It is confessed by  
those that make this objection, and proved  
in the former Section, that our Saviour gave  
ewi, Authority to his Apostles to be judges  
over them. And therefore in no case can  
they have Sovereign power of a Common-wealth  
but subject to any Authority Ecclesiastical,  
wides that of Christ himselfe. And though  
the be informed concerning the Kingdome of  
any Heaven and subiect him selfe thereto; at the  
was Perswasions of persons Ecclesiastical, yet is  
over not thereby subiect to their Goverment  
and Rule. For if it were by their Authority  
And he took that Yoke upon him, and not by  
their Perswasion, then by the same Autho-  
rity he might cast it off. But this is unlaw-  
full. For if all the Churches in the World  
should renounce the Christian Faith, yet is  
this sufficient Authority for any of the  
members to do the same. It is manifest  
therefore, that they who have Sovereign  
power, are Immediate Rulers of the Church  
under Christ, and all other but subordinate

to them. If that were not, but Kings shoul command one thing upon pain of Death and Priests another, upon pain of Damnation, it would be impossible that Peace Religion should stand together.

11. And therefore there is no just Cause for any man to withdraw his Obedience from the Soveraign State, upon pretence that Christ had ordained any State Ecclesiasticall above it. And though Kings have not upon them the Ministeriall Priesthood yet are they not so meerly Laick, as not to have Sacerdotall Jurisdiction. To conclude this Chapter; Since God speake not in these Dayes to any man by his private Interpretation of the Scriptures, nor by the Interpretation of any Power above or not depending on the Soveraign Power of every Common Wealth, it remaineth that he speaketh by his Vice-Gods, or Lieutenantts here on Earth, that is to say, by Soveraign Kings, or such as have Soverain Authority as well as they.

## CHAP. VIII

1. The things that dispose to Rebellion, Discontent, Pretence, and hope of Successe. 2. Discontent that disposeth to Sedition, conspiring partly in fear of want, or punishment. 3. Pride in Ambition. 4. Six heads of pretences to Rebellions.

lion 5. The first of them, That men ought to do nothing against Conscience, confuted. 6. The second, That Sovereigns are subject to their own Lawes, confuted. 7. The third, That the Sovereignty is divisible, confuted. 8. The fourth, That Subjects have a Propertye distinct from the Dominion of the Sovereign confuted. 9. The fift. That the People is a Person distinct from the Sovereign, confuted. 10. The sixt, That tirannicide is lawfull confuted. 11. Four Heads of Hope of successe in Rebellion. 12. Two things necessary to an Author of Rebellion, much Eloquence, and little wisdome. 13. That the Authors of Rebellion necessarily are to be men of little wisdome. 14. That the same are necessarily Eloquent. 15. In what manner they concur to their common Effects.

Hitherto of the Causes why, and the Manner how, men haye made Common Wealths. In this Chapter I shall shew breifly by what causes, and in what manner they be again destroyed; Not meaning to say any thing concerning the Dissolution of a Common Wealth, from forreign Invasions, which is as it were the violent Death thereof. I shall speak only of Sedition, which is also the Death of the Commonwealth, but like to that which happeneth to a man from sicknesse and Distemper. To dispose men to Sedition, three things con-

cur. The first is discontent; for as long as a man thinketh himself well, and that the present Government standeth not in his way to hinder his proceeding from well to better, it is impossible for him to desire the change thereof. The second is pretence of Right; for though a man be Discontented yet if in his own Opinion there be no Cause of stirring against, or resisting the Government established, nor any Pretence to justify his Resistance, and to procure Aid, he will never shew it. The third is hope of success; For it were madness to attempt without hope, when to fail, is to dye the Death of a Traitor. Without these three, Discontent, Pretence, and Hope, there can be no Rebellion: and when the same are all together, there wanteth Nothing thereto, but a Man of Credit to set up the Standard, and to blow the Trumpet.

2. And as for Discontent, it is of two sorts: For it consisteth either in Bodily Pain present or expected, or else in Trouble of the Mind; (which is the general division of Pleasure and Pain, Part 1. Chap. Sect. 9.) The Presence of Bodily Pain disposseth not to Sedition; The feare of it doth, for Example; When a great Multitude a Heap of people, have concurred to a Crime worthy of Death, they joyn together, and take Armes to defend themselves for feare thereof. So also the Feare of Want, or in present

present Want, the Feare of Arrests and Imprisonment dispose to Sedition. And therefore great Exactions, though the Right thereof be acknowledged, have caused great Seditions. As in the time of Hen 7. the Seditions of the Cornish men that refused to pay a Subsidy, and under the Conduct of the Lord Audley, gave the King Battel upon the Black Heath; and that of the Northern People, who in the somme Kings Time, for demanding a Subsidy granted in Parliament, murdered the Earl of Northumberland in his house.

3. Thirdly, the other sort of Discontent, which troubleth the Mind of them who otherwise live at ease, without fear of Want, or danger of Violence, ariseth only from a sense of their Want of that Power, and that Honour and Testimony thereof, which they think is due unto them. For all Joy and Grief of mind consisting (as hath been said Part 1. Chap. 9. Sect. 21.) in a contention for Precedence to them with whom they compare themselves, such men must needs take it ill, and be greived with the State, as finde themselves postposed to those in Honour, whom they think they excell in Virtue and Ability to govern. And this is it for which they think themselves regarded but as Slaves. Now seeing Freedom cannot stand together with Subiection, Liberty in a Common Wealth is nothing but Govern-

ment and Rule, which because it cannot be divided, men must expect in Common; and that can be no where but in the Popular State or Democracy. And Aristotle saith well, lib. 6. c. 2. of his Politicks, *The Ground or Intention of a Democracy, is Liberty.* Which he confirmeth in these words; *For men naturally say this, That no man can partake of liberty, but only in a Popular Common Wealth.* Whosoever therefore in a Monarchical Estate, where the Sovereign Power is absolutely in one Man, claimeth Liberty, claimeth (if the hardest construction should be made thereof) either to have the Sovereignty in his turn, or to be Colleague with him that hath it; or to have the Monarchy changed into a Democracy. But if the same be construed (with pardon of that unskilful expression) according to the Intention of him that claimeth, then doth he thereby claim no more but this, That the Sovereign should take notice of his Ability and Deserving, and put him into imployment and place of subordinate Government, rather than others that deserve less. And as one claimeth, so doth another, every man esteeming his own Desert greatest. Amongst all those that pretend to, or are ambitious of such Honour, a few only can be served, unless it be in a Democracy; the rest therefore must be Discontent. And so much of the first Thing that disposeth to Rebellion, namely,

not be ~~namely,~~ Discontent consisting in Fear, and Ambition.

4. The second thing that disposeth to Rebellion, is *Pretence of Right*. And that is when men have an Opinion, or pretend to have an Opinion, That in certain cases they may lawfully resist Him or Them that have the Sovereign Power, or deprive him or them of the Means to execute the same. Of which Pretences, there be six special Cases. One is, when the Command is against their Conscience, and they believe, it is unlawful for a Subject at the Command of the Sovereign Power, to doe any Action, which he thinketh in his own Conscience not lawfull for him to do, or to omit any Action, which he thinketh not lawful for him to omit. Another is, when the Command is against the Lawes, and they think the Sovereign Power reby in such sort obliged to his own Lawes, as the Subject is; and that when he performeth not his Duty, they may resist his Power. A Third Is, when they receive Commands from some man or men, and a *Supersedeas* to the same from others, and think the Authority is equal, as if the Sovereign power were divided. A fourth is, when they are commanded to contribute their Persons or Money to the Publick service, and think they have a Propriety in the same distinct from the Dominion of the Sovereign Power; and that therefore they are not bound to contribute

but their Goods and Persons, no more than every man shall of himself think fit. Fifth, when the Commands seem hurtfull to the People; and they think every one of them, that the Opinion and Sense of the People, is the same with the Opinion of himselfe, and those that consent with him, calling by the Name of People, any Multitude of his own Faction. The sixth is, when the Commands are grievous; and they account him that commandeth grievous things, a Tyrant; and a Tyrannicide, that is the killing of a Tyrant, not onely Lawful, but also Laudable.

5. All these Opinions are maintained in the Books of the *Dogmaticks*, and divers of them taught in publick Chaires, and nevertheless are most incompatible with Peace and Government, and contradictory to the necessary and demonstrable rules of the same. And for the first, namely, That man may lawfully doe or omit any thing against his Conscience, and from whence arise all Seditions concerning Religion and Ecclesiastical Government, it hath been plainly declared in the two last Chapters, that such Opinion is erroneous. For those two Chapters have been wholly spent, to prove, That Christian Religion not onely forbiddeth not, but also commandeth, that in every Common Wealth, every Subject should in all things to the uttermost of his

Power,

Power, obey the Commands of him or them that is the Sovereign thereof, and that a man in so obeying, doth according to his Conscience and Judgement, as having deposited his Judgement in all Controversies in the hands of the Sovereign Power; and that this Error proceedeth from the Ignorance of What and by Whom God Almighty speaketh.

6. As for the second Opinion, which is this, That the Sovereign is in such sort obliged to his own Laws, as the Subject is; the contrary thereof hath been shewed, Part 2. Chap. 1. Sect. 7, 8, 9, 10, 11, 12. by which it appeareth, That the Sovereign Power is not to be resisted; That it carryeth the Sword both of War and Justice; That it hath Right of deciding all Controversies, both Judicial, and Deliberative; that it hath the making of all the Lawes Civill, That it appointeth Magistrates and Publick Ministers, and That it implyeth an Universall Impunity. How can He or They be said to be Subject to the Lawes which they may arrogate at their pleasure, or break without feare of punishment? And this Error seemeth to proceed from this, That men ordinarily understand not aright, what is meant by this word Law, confounding Law and Covenant, as if they signifie the same Thing. But Law implyeth a Command; Covenant is but a Promise. And not every Command

is

is a Law, but only ( Part I. Chap. 13. Sect. 6.) when the Command is the Reason we have of doing the Action commanded. And then only is the Reason of our Actions in the Command, when the Omitting is therefore Hurtful, because the Action was commanded; not because it was hurtful of it self; and doing contrary to a Command, were not at all Hurtful, if there were not a Right in him that commandeth to punish him that so doth. He or They that have all Punishments in their own disposing, cannot be so commanded, as to receive hurt for disobeying, and consequently no Command can be a Law unto them. It is an Errour therefore to think, That the Power which is virtually the whole Power of the Common Wealth, and which in whomsoever it resideth, is usually called Supream, or Sovereign, can be subject to any Law but that of God Almighty.

7. The third Opinion, *That the Sovereign Power may be divided*, is no less an Errour than the former, as hath been proved, Part I. Chap. 1. Sect. 15. And if there were a Common Wealth wherein the Rights of Sovereignty were divided, we must confess with Bodin, lib. 2. Chap. 1. *De Repub.* That they are not rightly to be called Common Wealths but the Corruption of Common Wealths. For if one part should have power to make the Laws for all, they would by their Laws at their pleasure, forbid others, To make Peace

Peace or War, To lcvy Taxes, or To yeild Fealty and Homage without their leave; and they that had the Right to make Peace and War, and command the Militia, would forbide the making of other Lawes, then what themselves liked. And though Monarchies stand long, wherein the Right of Soveraignty hath seemed so diuided, because Monarchy of it self is a durable kind of Goyernment, yet Monarchs have been thereby diverse times thrust out of their Possession. But the truth is, that the Right of Soveraignty is such, as He or They that have it, cannot (though they would) give away any part thereof, and retaine the Rest. As for example; If we should suppose the People of *Rome* to have had the absolute Soveraignty of the *Roman State*, and to have chosen them a Council by the Name of the Senate, and that to this Senate they had given the Supream Power of making Lawes, Reserving nevertheless to themselves in direct and express Terms, the whole Right and Title of the Sovereignty; which may easily happen amongst them that see not the inseparable Connexion between the Sovereign Power, and the Power of making Lawes, I say, this Grant of the People to the Senate, is of no effect, and the Power of making Lawes is in the People still. For the Senate understanding it to be the Will, in intention of the People to retain the Sovereignty, ought not to take that for

for granted, which was contradictory thereto, and passed by Error. For Part 1. Chap. 13. Sect. 9. In contradictory Promises, that which is directly promised, is preferr'd before that which is oppositp thereunto by Consequence, because the Consequence of a thing is not alwaies obscured, as is the Thing it self. The Error concerning Mixt Government hath proceeded from want of Understanding of what is ment by this word, *Body Politick*, and how it signifieth not the Concord, but the Union of many men. And though in the Chapters of subordinate Corporations, a Corporation being declared to be one Person in Law, yet the same hath not been taken notice of in the Body of a Common Wealth or City, nor have any of those inumerable Writers of Politicks, observed and such Union.

8. The Fourth Opinion, to wit, That Subjects have their *Mcum, Tuum, & Snum*, in property, not only by Virtue of the Sovereign Power over them all, distinct from one another, but also against the Sovereign himself, by which they would pretend to contribute nothing to the Publick, but what they please, hath been already confuted, by proving the Absoluteness of the Sovereignty and more perticularly, Part 2. Chap. 5. Sect. 2. and ariseth from this, That they understand not ordinarily that before the Institution of Sovereign Power, *Mcum & Tuum* implied

phyed no Propriety, but a Community, where every man had right to every Thing, and was in state of war with every man.

9. The fifth opinion, *That the People is a distinct Body from Him or Them that have the Sovereignty over them*, is an Error already confuted Part 2. Chap. 2. Sect. 11. where is shewed, that when men say, *The People rebel-lerh*, it is to be understood of those particular persons onely, and not of the whole Nation. And when the People claimeth any thing otherwise then by the Voice of the Sovereign Power, it is not the claim of the people, but only of those particular men, that claim in their own persons. And this Error ariseth from the equivocation of the word *People*.

10 Lastly, for the Opinion, *That Tyrannie is lawfull*, meaning by a Tyrant, any man in whom resideth the Right of Sovereignty, is no lesse false and pernicious to Humane Society, then frequent in the Writings of those Moral Philosophers, *Seneca* and others, so greatly esteemed amongst us. For when a man hath the Right of Sovereignty, he cannot iustly be punished, as hath been often shewed already, and therefore much leſle deposed, or put to Death. And howsoever he might deserve punishment, yet punishment is unijust without Judgment preceding, and Judgment unijust without Power of Judicature, which a Subject hath not over a Sovereign. But this Doctrine proceedeth from

from the Schools of *Greece*, and from those that writ in the Romane State, in which not onely the Name of a Tyrant, but of a King was hatefull.

11. Beside *Discontent* to the disposing of a Man to Rebellion, and Pretence there required in the third place, *Hope of Success*, which consisteth in foure Points : 1. That the discontented have mutual Intelligence. 2. That they have sufficient Number. 3. That they have Armes. 4. That they agree upon an Head. For these four must concur to the making of one Body of Rebellion, in which Intelligence is the Life, Number the Limbs, Arms the strength, and an Head the Unity, by which they are directed to one and the same Action.

12. The Authors of Rebellion, that is, the men that breed these Dispositions to Rebel in others, of necessity must have in them these three Qualties. 1. To be discontented themselves. 2. To be men of mean Judgement and Capacity. And thirdly, to be Eloquent men, or good Orators. And as for their Discontent, from whence it may proceed, hath been already declared. And for the second and third, I am to shew now, first how they may stand together; for it seemeth a contradiction, to place small Judgement, & great Eloquence, or (as they call it,) Powerful speaking in the same man. And then in what manner they concur, to dispose other men to Sedition.

13. It

13. It was noted by *Salust*, That in *Catiline*(who was Author of the greatest Sedition that ever was in *Rome*) there was *Eloquentiae Satis, Sapientiae parum*, Eloquence sufficient but little *Wisdom*. And perhaps this was said of *Catiline*, as he was *Catiline*. But it was true of him, as an Author of Sedition. For, the Coniunction of these two Qualities made him not *Catiline*, but *Seditious*. And that it may be understood, how want of *Wisdom*, and store of *Eloquence*, may stand together, we are to consider, what it is we call *Wisdom*, and what *Eloquence*. And therefore I shall here again remember some things, that have been said already, Part 1.

chap. 5. 6. It is manifest that *Wisdom* consisteth in *Knowledge*. Now of *Knowledge* there are two kinds; whereof the one is the Remembrance of such Things, as we have conceived by our Sences, and of the Order, in which they follow one another. And this *Knowledge* is called *Experience*; and the *Wisdom* that proceedeth from it, is that Ability to conjecture by the present, of what is past, and to come, which men call *Prudence*. This being so, it is manifest presently, that the Author of Sedition, whosoever he be, must not be *Prudent*. For if he consider and take his *Experience* aright, concerning the Successes which they have had, who have been the Movers and Authors of Sedition, either in this or any other State, he shall find, that for one

one man that hath thereby advanced himselfe Pre-  
to honour, twenty have come to a Reproach. An-  
ful end. The other kind of Knowledge, be-  
the Remembrance of the Names or Appellations  
of things, and how every thing is called, which is in  
matters of Common Conver-  
versation, a Remembrance of Facts and Na-  
viantis of men made amongst themselves and  
concerning how to be understood of one another. And this kind of Knowledge is generally  
called Science, and the conclusion thereof Truth. But when men remem-  
ber not how things are named, by general agreement,  
but either mistake & mis-name them, or name them aright by chance, they are not said to have Science, but Opinion, and the Conclusions thence proceeding, are uncertain, and for the most part erroneous. Now that Science in particular, from whence proceed the true and evident conclusions what is Right and Wrong, and what is Good Pow-  
and Hurtful to the Beeing, and Well-being of Mankind, the Latines call *Sapientia*, and  
wee by the generall Name of Wisedome. And  
generally, not he that hath skill in Geomentry, or any other Science speculative, but  
only he that understandeth what conducteth to the good and government of the people, is called a Wise man. Now that no Auth-  
or of Sedition can be wise in this Acceptation of the Word, is sufficiently proved, in that it hath been already demonstrated, that

himself Pretence of Sedition can be right or Just. And therefore the Authors of Sedition must be ignorant of the Right of State, that is to say, Unwise. It remaineth therefore, that if they be such, as name things, not according to their true and generally agreed upon Names, but call Right and Wrong, Good and Bad, according to their Passions, or according to the Authorities of such, as they is goodmire, as Aristotle, Cicero, Seneca, and others of like Authority, who have given the names of Right and Wrong, as their Passions have dictated; or have followed the Authority of other men, as we do theirs. It is required therefore in an Author of Sedition, that he think Right, that which is Wrong; and praisable, that which is pernicious; and consequently that there be in him *Sapientiae paucus, little Wisdome.*

14. Eloquence is nothing else but the Power of winning Belief of what we say. And to that end we must have Ayd from the Passions of the Hearer. Now to Demonstration and Teaching of the Truth, there are required Long Deductions, and great Attention, which is unpleasant to the Hearer. Therefore they which seek not Truth, but Belief, must take another way, and not only derive what they would have to be believed from somewhat believed already, but also by Aggravations and Extenuations, make Good and Bad, Right & VVrong, appear Great or Little,

Lesse, according as shall serve their turnes  
And such is the Power of Eloquence, as many times a man is made to believe thereby that hee sensibly feeleth smart and damage Hopes when he feeleth none, and to enter into rage and indignation, without any other cause, then what is in the words and passion of the speaker. This considered, together with the Businesse that he hath to do, who is the Author of Rebellion, namely, to make men believe, that their Rebellion is just, their Discontents grounded upon great Injuries, and their Hopes great; There needeth no more to prove, there can be no Author of Rebellion, that is not an Eloquent and Powerful Speaker, and withall (as hath been said before) a man of little Wisdome. For the Faculty of speaking powerfully, consisteth in a Habit gotten of putting together passionate Words, and applying them to the present passions of the Hearer.

15. Seeing then Eloquence and want of Discretion concur to the stirring of Rebellion, it may be demanded, what part each of these acteth therein. The Daughters of Pelias King of Thessaly, desiring to restore their old Decrepit Father to the Vigour of Youth, by the Counsell of Medea, chopp'd him in pieces, and set him a boylng with know not what Herbs in a Cauldrone, could not revive him again. So when Eloquence and want of Judgement go together,

want of Judgment like the Daughters of Pe-  
liss consenteth through Eloquence, which is  
the Witchcraft of Medea, to cut the com-  
mon Wealth in peices, upon Pretence, or  
Hope of Reformation, which when things  
are in combustion, they are not able to  
cause effect.

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## CHAP. IX.

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1. The Law over Sovereigns, *Salus Populi.*

2. That Sovereigns ought to establish the Religion they hold, for best. 3. That to forbid unnatural copulation, promiscuous use of Women &c. is the *Law of Nature.* 4. That to leave man as much Liberty as may be, &c is the Duty of a Sovereign by the *Law of Nature.* 5. *Meum & Tuum* to be set out to the Subjects distinct from one another, &c. A Duty of Sovereigns by the *Law of Nature.*

6. An extraordinary Power for Judging the Abuses of Magistrates necessary, &c. 7. The suppressing of Popularity, &c. necessary, &c. 8. The Institution of Youth, &c. necessary, &c. 9. Avoiding of unnecessary War, a necessary Duty of the Sovereign, etc.

**H**aving hitherto set forth how a Body Politick is made, and how it may be destroyed, this place requireth to say something concerning the preservation of the same, not purposing to enter into the particulars of the

the Art of Government, but to sum up the general Heads, wherein such Art is to be imployed, and in which consisteth the Duty of Him or Them that have the Sovereign Power. For the Duty of a Sovereign consisteth in the Good Government of the People. And although the Acts of Sovereign power be no Injuries to the Subjects who have consented to the same by their implicite Wills, yet when they tend to the hurt of the people in general, they be Breaches of the Law of Nature, and of the Divine Law; and consequently the contrary Acts are the Duties of Sovereigns, and required at their hands to the utmost of their endeavour by God Almighty, under the pain of Eternall Death. And as the Art and Duty of Sovereigns consist in the same Acts, so also doth their Profit. For the end of Art is Profit, and Governing to the Profit of the Subjects, is Governing the Profit of the Sovereign, as hath been shewed Part 2. Chap. 5. Sect. 1. And these are three: 1. The Law over them that have Sovereign power 2. Their Duty; 3. Their Profit, are one and the same thing contained in this sentence, *Salus Populi Suprema Lex*. By which must be understood, not the mere preservation of their lives, but generally their Benefit and Good. So that this is the generall Law for Sovereigns, That they procure to the uttermost of their Endeavour, the Good of the People.

And for as much as Eternal, is better than Temporal Good, it is evident, that they who are in Sovereign Authority, are by the Law of Nature obliged to further the establishing of all such Doctrines and Rules, and Commanding of all such Actions, as in Conscience they beleive to be the true therunto. For unless they do so, it will not be said truly, that they have done the utmost of their Endeavour.

For the Temporal Good of the people, consisteth in four points: 1. Multitude Commodity of living. 3. Peace amongst themselves. 4. Defence against Forraign Power. Concerning Multitude. It is the Will of them that are in Sovereign Authority, to increase the people; in as much as they are Governours of Mankind under God almighty, who having created but One Man, and One Woman, declared, That it was his Will they should be multiplyed and increased afterwards. And seeing this is to have been done by Ordinances concerning copulation, they are by the Law of Nature bound to make such Ordinances concerning the Laws, as may tend to the Increase of Mankind. And hence it cometh, that in them to have Sovereign Authority, not to forbidding such Copulations as are against the Use of Nature; not to forbid the promiscuous Use of Women, not to forbid one Woman to have many Husbands, not to forbid Marriages

riages within certain Degrees of Kindred and Affinity, are against the Law of Nature. For though it be not evident, that a private man living under the Law of Natural Reason only, doth break the same, by doing any of the Things aforesaid, yet it is manifestly apparent, that being so prejudicial to them that are to the Improvement of Mankind, that not to forbid the same, is against the Law of Natural Reason, in him that hath taken into his hands any portion of Mankind to improve.

¶ 4. The Comodity of Living consisteth, in Liberty and VVealth. By Liberty I mean, that there be no Prohibition without necessity, of any thing to any man, which was lawfull to him in the Law of Nature, that is to say, That there be no Restraint of Natural Liberty, but what is necessary for the Government of the Common VVealth, and that well-meid training men may not fall into the Danger of Lawes, as into snares, before they be aware of them. It appertaineth also to this Liberty, That a man may have commodious passage from place to place, and not be imprisoned or confined with the Difficulty of wayes, and want of means for transportation of things necessary. And for the wealth of people it consisteth in three things, The well ordering of Trade, Procuring of Labour, and Forbidding the superfluous consuming of Food and Apparel. All those therefore that are in Sobernesse,

red and sign Authority, and have taken upon them  
privileg. For the Government of People, are bound by  
the Law of Nature to make Ordinances con-  
cerning all Reasning in the Points afore named, as being  
done contrary to the Law of Nature, unneceſſarily  
either for ones own Fancy, to intrall,  
or by men ſo, as they cannot move without  
danger, or to ſuffer them whole mainte-  
nance is our benefit, to want any thing ne-  
ceſſary for them, by our Negligence.

anings. For maintaiining of Peace at home, there  
be ſo many Things neceſſary to be conſider-  
ed, and taken order in, as there be ſeveral  
meaſures concurring to Sedition. And firſt, it  
is neceſſary to ſet out to every Subject, his  
Propriety and diſtinct Lands and Goods, up-  
on which he may exercise, and have the Be-  
neſt of his own Industry, and without which,  
Gouern would fall out amongst themſelves, as  
it did the Heardsmen of *Abraham* and *Lot*, eve-  
ry man encroaching and uſurping as much  
awā of the common Benefit as he can, which  
thendeth to Quarrel and Sedition. Second-  
ly, to diſtribute the Burthenes and Charges of  
the Common Wealth proportionably. Now  
there is a Proportionably to every mans Abili-  
ty, and there is a Proportionably to his Bene-  
ſt by Common Weath. And this latter is  
which is according to the Law of Nature.  
So the Burdens of the Common Wealth be-  
ing the Price that we pay for the Benefit  
thereof, they ought to be measured there.

by. And there is no reason, when two men equally enjoying by the benefit of the Common Wealth, their Peace and Liberty, to use their Industry to get their Livings, where of one spareth, and laicth up somewhat, the other spendeth all he gets, why they should not equally contribute to the common charge. That seemeth therefore to be the most equall way of dividing the burden of publick charge, when every man shall contribute according to what he spendeth, and not according to what he gets. And this is then done, when men pay the Common Wealths Part in the payments they make for their own Provision. And this seemeth not only most equal, but also least sensible, and least to trouble the mind of them that pay it. For there is nothing so aggravateth the grief of parting with money to the Publick, as to think they are over-rated, and that their Neighbours whom they envy, do thereupon insult over them, and this disposeth them to Resistance, and (after that such Resistance hath produced a mischief) to Rebellion.

6. Another thing necessary for the maintaining of peace, is the due execution of iustice, which consisteth principally in the right performance of their Duties, which are the Magistrates, ordained for the same by and under the Authority of the Soveraign Power, which being private men in respect of the Soveraign, and consequently such as may have

have private Ends, whereby they may be corrupted with gifts, or Intercession of Friends, ought to be kept in awe by an higher Power, lest people (greived by their Injustice) should take upon them to make their own Revenges, to the Disturbance of the common Peace; which can by no way be avoided in the principal and immediate Magistrates, without the Judicature of the Sovereign himself, or some extraordinary power delegated by him. It is therefore necessary, that there be a power extraordinary, as there shall be occasion from Time to Time, for the syndication of Judges and other Magistrates, that shall abuse their Authority, to the Wrong and discontent of the People, and a free and open way for the presenting of Grievances to him or them that have the Sovereign Authority.

7. Besides these Considerations, by which are prevented the Discontents that arise from Oppression, there ought to be some meanes for the keeping under of those, that are disposed to Rebellion by Ambition; which consist principally in the constancy of him that hath the Sovereign Power, who ought therefore constantly to grace and encourage such, as being able to serve the Common Wealth, do nevertheless contain themselves within the bounds of Modesty, without repining at the Authority of such as are employed, and without aggravating the

Errours which (as men) they may commit especially when they suffer not in their own particular; and constantly to shew displeasure, & dislike of the contrary. And not only so, but also to ordain severe punishments for such, as shall by Reprehension of publick Actions, affect popularity and applause amongst the multitude, by which they may be enabled to have a faction in the Common Wealth at their Devotion.

8. Another thing necessary, is the rooting out of the Consciences of men all those opinions which seem to iustifie and give pretence of Right to Rebellious Actions; such as are the Opinions, That a man can do nothing lawfully against his private Conscience; That they who have the Soveraignty, are subiect to the civil Laws: That there is an Authority of Subiects, whose Negative may hinder the Affirmative of the Sovereign Power; That any Subiect hath a propriety distinct from the Dominion of the Common Wealth; That there is a body of the People without him or them that have the Sovereign power; & that any lawful Sovereign may be resisted under the name of a Tyrant, which Opinions are they, which Part Chap. 8. Sect. 5. 6, 7, 8, 9, 10. have been declared, to dispose men to Rebellion And because Opinions which are gotten by education, and in length of time, are made habitual, cannot be taken away by force, an

ir own upon the sudden; they must therefore be  
displeas taken away also by Time and Education. And  
not on seeing the said Opinions have proceeded  
ment from private and publick Teaching, and  
iblick those Teachers have received them from  
lause Grounds and Principalls, which they have  
may learned in the Universities, from the Doctrine  
men of Aristotle, and others, who have dilivered  
nothing concerning Morality and Policy de-  
root-monstratively, but being passionately addict-  
hose ed to Popular Government, have insinuated  
pre-their Opinions by eloquent Sophistry. There  
such is no doubt, if the true Doctrine concerning  
no- the Law of Nature, and the Properties of a  
nscri- Body Politick, and the Nature of Law in-  
nent, neral, were prespicuously set down and  
re is taught in the Universities, but that Young  
tive men, who come thither void of prejudice  
aign and whose minds are as white paper, capable  
cty of any Instruction, would more easily receive  
mon the same, and afterwards teach it to the pe-  
opl ple, both in Books and otherwise, then now  
ve- they do the contrary.

9. The last Thing contained in that Su-  
pream Law, *Salus Populi*, is their Defence,  
and consisteth partly in the Obedience and  
Unity of the Subjects, of which hath been  
already spoken, and in which consisteth the  
Means of levying Souldiers, and of having  
Money, Arms, Ships, and Fortified places in  
readiness for Defence; and partly, in the  
avoiding of unnecessary Wars. For such

Common Wealths, or such Monarchs, as affect War for it self, that is to say, out of Ambition, or of Vain Glory, or that make account to revenge every little Injury, or Disgrace done by their Neighbours, if they ruine not themselves, their Fortune must be better then they have reason to expect.

## C H A P . X.

1. All Expressions, &c. concerning future Actions, are either Covenant, Council or Command. 2. The Difference between a Law and a Covenant. 3. The Command of him whose Command is Law in one thing, is Law in everything. 4. The Difference between Law and Counsell. 5. The difference between Jus and Lex. 6. The Division of Laws, &c. 7. That the Divine Morall Law, and the Law of Nature, is the same. 8. That the Civil Laws are the Common Measure of Right and Wrong, &c. 9. Martiall Law is Civil Law. 10. Written Laws, &c. unwritten, &c. Customes and Opinions, &c.

**T**HUS far concerning the Nature of man, and the constitution and properties of a Body Politick. There remaineth only for the last Chapter, to speak of the Nature and sorts of Law. And first, it is manifest, that all Laws are Declarations of the Mind, concerning

cerning some Action future to be done, or omitted. And all Declarations and Expressions of the Mind concerning Future Actions and Omissions, are either Promissive, as I will do, or not do ; or provisive. As for Example, If this be done or not done, this will follow; or Imperative, as Do this, or do it not. In the first sort of these Expressions, consisteth the Nature of a Covenant, in the second, consisteth Counsel, in the third, Command. It is evident when a man doth, or forbeareth to do any action , if he be moved thereto by this only Consideration, that the same is Good or evil in it self, and that there be no reason why the will or pleasure of another, should be of any weight in his Deliberation; that then neither to do nor omit the Action deliberated is any Breach of Law. And consequently, whatsoever is a Law to a man, respecteth the Will of another, and the Declaration thereof. But a Covenant is a Declaration of a mans own Will. And therefore a Law and a Covenant differ; And though they be both obligatory, and a Law obligeth no otherwise then by virtue of some covenant made by him who is subject thereto, yet they oblige by severall sorts of promises. For a Covenant obligeth by promise of an Action, or Omission especially named and limited; but a Law bindeth by a promise of Obedience in general, whereby the Action to be done, or left undone, is refer-

red to the determination of him, to whom the Covenant is made. So that the Difference be tweena Covenant and a Law, standeth thus: In Simple Covenant, the Action to be done, or not done, is first limited and made known, and then followeth the Promise to do or not to do; but in a Law, the obligation to do or not to do, precedeth, and the Declaration what is to be done, or not done, followeth after.

3. And from this may be deduced, that which to some may seem a Paradox, *That the Command of him, whose Command is a Law in one thing, is a Law in every thing.* For seeing a man is obliged to obedience before what he is to do be known, he is obliged to obey in general, that is to say, in every thing.

4. That the Counsel of a man is no Law to him that is counselled, and that he who alloweth another to give him counsell, doth not thereby oblige himself to follow the same, is manifest enough. And yet men usually call Counselling, by the name of Governing, not that they are not able to distinguish between them, but because they envy many times those men that are called to Counsel, & are therefore angry with them that they are Counselleed. But if to Counsellours there should be given a Right to have their Counsell followed, then are they no more Counselleours, but Masters of them whom they Counsel; and their Counsels no

more

more Counsels, but Lawes. For the difference between a Law and a Counsel being no more but this, that in Counsel the Expression is *Do, because it is best*; In a Law *Do, because I have a right to compel you*; or *Do, because I say Do*; when Counsel should give the Reason of the Action it adviseth to, because the reason thereof it self is no more Counsel, but a Law.

5. The Names *Lex & Jus*, that is to say, Law and Right, are often confounded, and yet scarce are there any two words of more contrary signification. For Right is that Liberty which Law leaveth us, and Laws those Restraints by which we agree mutually to abridge on anothers Liberty. Law and Right therefore are no less different then Restraint and Liberty, which are contrary, and whatsoever a man doth, that liveth in a Common Wealth *Jure*, he doth it *Jure Civilis, Jure Naturae, and Jure Divino*. For whatsoever is against any of these Laws, cannot be said to be *Jure*. For the Civill Law cannot make that to be done *Jure*, which is against the law Divine, or of Nature. And therefore whatsoever any Subiect doth, if it be not contrary to the Civil Law, and whatsoever a Sovereign doth, if it be not against the Law of Nature, he doth it *Jure Divino, by Divine right*. But to say *Lege divina, by Divine Law*, is another thing. For the Laws of God and Nature allowing greater liberty then is allowed by

by the Law Civil; (for subordinate Laws do still bind more then Superior Laws, the Essence of Law being not to loose, but to bind.) A man may be commanded that by a Law Civil, which is not commanded by the Law of Nature, nor by the Law Divine. So that of things done *Lege*, that is to say, by Command of the Law, there is some place for making Distinction between *Lege Divina & Lege Civilis*. As when a man giveth an Alms, or helpeth him that is in need, he doth it not *Lege Civili* but *Lege Divina*, by the Divine Law of the Precept whereof is Charity. But for things that are done *Jure*, nothing can be said concerning *Jure Divino*, that is not also *Jure Civili*, unless it be done by them that having Sovereign Power, are not subject to the civil Law.

6. The Differences of Law, are according to the Differences either of the Authors and Lawmakers, or of the promulgation, or of those that are subject to them. From the Difference of the Authors, or Law makers cometh the Division of Law into Divine, Natural, and Civil. From the Difference of the Promulgation, proceedeth the Division of the Laws, into *written* and *unwritten*. And from the Difference of the persons to whom their Law appertaineth, it proceedeth, that some Laws are called simply Laws, and some Penal. As for Example, *Thou shall not steal* is a simple Law; but this, *He that stealeth an ox, shall restore four-fold*, is a Penal or as other for

Laws do call it a Judicial Law. Now in those Laws  
which are simply Laws, the Commandement  
is addressed to every man; but in Penal Laws  
the Commandement is addressed to the Ma-  
istrate, who is only guilty of the Breach of it  
that when the Penalties ordained, are not inflict-  
ed. To the Rest appertaineth Nothing but to  
take notice of their Danger.

Civil. As for the first Division of Law into Di-  
vine, Natural, and Civil, the first two Bre-  
aches are one and the same law. For the law  
of Nature, which is also the Moral law, is  
the law of the Author of Nature, God Al-  
mighty; and the law of God taught by our  
Saviour Christ, is the Morall law. For the  
sum of Gods law is; *Thou shalt love God above  
all, and thy Neighbour as thy self;* and the same  
is shewed, Part 1. Chap. 5. And although  
the Doctrin of our Saviour be of three  
parts, *Moral, Theological and Ecclesiasticall,*  
the former part only, which is the Moral, is  
the Nature of a Law Universal; the latter  
is a Branch of the Law Civil; and the  
Theological which containeth those Articles  
concerning the Divinity and Kingdome of  
our Saviour, without which there is no Sal-  
vation, is not delivered in the Nature of  
the Laws, but of Counsel and Direction, how to  
avoid the punishment, which by the Viola-  
tion of the Moral Law, men are subject to.  
For it is not Infidelity that condemneth,  
though

(though it be Faith that saveth) but the Breach of the Law and Commandments of God, Written first in mans heart, and afterwards in Tables, and delivered to the Jews by the Hands of Moses.

8. In the state of Nature where every man is his own Judge, and differeth from other concerning the Names and Appellations of things, and from those Differences arise of Quarrels and breach of Peace, it was necessary there should be a common measure of all things, that might fall in Controversie. As for Example; Of what is to be called Right, what Good, what Virtue, what Much, what Little, what *Meum & Tuum*, what Pound, what a Quarter, &c. For in these Things Private Judgements may differ, and thereby beget Controversie. This Common measure, some say is *Right Reason*, with whom may should consent, if there were any such thing to be found or known in *verum natura*. But commonly they that call for *Right Reason*, do mean their own. But this is certain, seeing *Right Reason* is not existent, the Reason of some Man or Men, must supply the place thereof, and that man or men is He or They, that have the Sovereign Power, as hath been already proved and consequently the Civil Laws are to Subjects the Measures of their Action whereby to determine whether they have Right or Wrong, Profitable, or Unprofitable

¶ 2 Virtuous or Vicious, and by them the Use  
the and Definition of all Names not agreed upon,  
and tending to controversy, shall be established.  
As for Example, When upon the  
occasions of some strang and deformed Birth  
it shall not be decided by Aristotle, or the  
Philosophers, whether the same be a man,  
or no, but by the Laws, the Civil Law con-  
taining in it the ecclesiastical, as a part there-  
of, proceeding from the Power of Ecclesiasti-  
cal government, given by our Saviour to all  
Christian Sovereigns, as his immediate Vi-  
erholders, as hath been said Part 2. Chap. 7. Sect.  
alleged 10.

Much 9. But seeing it hath been said, That all  
Laws are either Natural, or Civil, it may be  
demanded, to which of these shall be referred  
that Law, which is called Martial Law, and  
measured by the Romans, *Disciplina militaris*? And it  
may seem to be the same with the law of na-  
ture; because the Laws by which a multitude  
of Soldiers are governed in an Army are  
not constant, but continually changing with  
the Occasion; and that is still a Law, which  
is Reason for the present, and Reason is the  
Law of Nature. It is nevertheless true, that  
Martial Law is Civil Law, because an Army  
is a Body Politick, the whole Power where-  
of is in the General, and the Laws thereof  
made by him; and though they still follow  
and change as Reason requireth, yet it is not  
as the Reason of every Private man but as  
the

the Reason of the General requireth.

10. When He or They in whom is the Sovereign power of a Common Wealth, are to ordain Law for the government and good of the Order of the People, it is not possible they in should comprehend all Cases of Controversie that may fall out, or perhaps any considerable diversitie of them; but as time shall instruct them by the rising of new occasions, so are also Laws from time to time to be ordained: and in such Cases where no special Law is made, the Law of Nature keepeth its Place, and the Magistrates ought to give sentence according thereunto, that is to say, according to Natural Reason. The Constitutions therefore of the Sovereign Power, by which the Liberty of Nature is abridged, are Law written, because there is no other way to take notice of them, whereas the Laws of Nature are supposed to be written in mens hearts. Written Laws therefore are the constitutions of a Common Wealth expressed; and Unwritten, are the laws of Natural Reason, whose Custome of it self maketh no laws. Nevertheless when a Sentence hath been once given by them that judge by their Natural Reason, whether the same be Right or Wrong, it may attain to the vigour of a law; not because the like Sentence hath of Custom been given in the like case, but because the Sovereign Power is supposed tacitely to have approved such Sentence for Right.

h. right, and thereby it commeth to be a Law,  
s thed numbred amongst the Written laws of  
a, are the Common Wealth. For if Custom were  
good sufficient to introduce a law, then it would  
they in the power of every one that is deputed  
over to hear a Cause, to make his Errours laws.  
on in the like manner, those that goe under  
shall the Title of *Responsa Prudentium*, that is to  
ons, by the Opinions of Lawyers, are not there-  
e or more Laws, because *Responsa Prudentum*, but  
cial because they are admitted by the Sovereign;  
n itsd from this may be collected, That when  
give here is a Case of private contract between  
say, the Sovereign and the Subject, a President  
insti-against reason shall not prejudice the cause  
r, by the Sovereign; no President being made  
are Law, but upon supposition that the same  
take as reasonable from the beginning. And  
ureous much concerning the Elements and  
its, general grounds of Laws Natural and Po-  
uti- tick. As for the Law of Nations, it is the  
and same with the Law of Nature. For that  
on, which is the Law of Nature between Man  
er, and Man, before the constitution of Com-  
gimmon Wealth, is the Law of Nations between  
ra Soveraign and Soveraign after.  
or  
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F I N I S.